

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation and
Petition to Revoke Probation Against:**

Case No: D3-1997-77146

NOLAN JONES, M.D.

OAH No: 2008090760

**Physician's and Surgeon's
Certificate #A 30400**

Respondent.

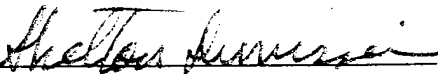
DECISION AND ORDER

The attached Proposed Decision the Administrative Law Judge is hereby accepted and adopted by the Medical Board of California, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective at 5:00 p.m. on April 20, 2009.

IT IS SO ORDERED March 19, 2009

MEDICAL BOARD OF CALIFORNIA



**Shelton Duruisseau, Ph.D.
Chair, Panel A**

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation and
Petition to Revoke Probation Against:

NOLAN JONES, M.D.

Physician and Surgeon Certificate
No. A 30400

Respondent.

Agency Case No. D3-1997-77146

OAH Case No. 2008090760

PROPOSED DECISION

Daniel Juárez, Administrative Law Judge (ALJ), Office of Administrative Hearings, heard this matter on January 20, 2009, in Los Angeles, California.

Abraham M. Levy, Deputy Attorney General, represented Barbara Johnston (Complainant), Executive Director of the Medical Board of California.

Lawrence A. Moy, Attorney at Law, represented Nolan Jones, M.D. (Respondent). Respondent was not present, despite being properly and timely served with the Notice of Hearing and the First Amended Accusation and Petition to Revoke Probation.

The parties submitted the matter for decision on January 20, 2009.

FACTUAL FINDINGS

1. The Medical Board of California (the Board) issued physician and surgeon certificate number A 30400 to Respondent on August 27, 1976. The evidence established that Respondent's license expired on October 31, 2008. The evidence did not establish whether the license was renewed. However, if it was not renewed, the Board nonetheless retains jurisdiction over this matter pursuant to Business and Professions Code section 118, subdivision (b).

2. Complainant, in her official capacity, filed the Accusation and Petition to Revoke Probation on July 17, 2008. Respondent filed the Notice of Defense on August 3, 2008. Complainant, in her official capacity, filed the First Amended Accusation and Petition to Revoke Probation on January 7, 2009. Respondent was properly and timely served with the Notice of Hearing and the First Amended Accusation and Petition to Revoke Probation.

3. Complainant contends Respondent's medical license merits revocation because he fabricated medical records, and in doing so, committed gross negligence, acts of dishonesty, and failed to maintain adequate and accurate records regarding two patients in 2006. Complainant further contends these same acts constitute violations of an earlier imposed probation and therefore provide cause to revoke that probation and impose the stayed revocation.

4. Respondent contends that Complainant's allegations are based on the testimony of the two patients at issue and that those two patients are not credible. As such, Respondent argues that Complainant cannot prove her allegations by clear and convincing evidence to a reasonable certainty.

5. On or about March 19, 2006, a husband and wife (R.C. and M.C., respectively)¹ were in an automobile accident. R.C. and M.C. went to Respondent's clinic for treatment on March 23, 2006. Respondent never met, never examined, and never treated R.C. or M.C. However, Respondent signed medical records that reported that he had performed a comprehensive medical evaluation of R.C. and M.C. on March 23, 2006. Additionally, Respondent signed other medical records that reported that he had evaluated and treated R.C. on March 31, April 10, 14, May 1, 12, 22, 31, and June 16, 2006, and that he had evaluated and treated M.C. on April 10, 20, May 1, 19, and June 2, 2006.

6. Respondent's clinic records for both R.C. and M.C. show that he diagnosed each with various spinal and soft tissue injuries to the back and neck, among other conditions. Respondent charged a fee for each documented visit.

7. Respondent's clinic records show that R.C. received physical therapy 38 times between March 23 and June 16, 2006, but R.C. only received physical therapy four times. Respondent's clinic records show that M.C. received physical therapy 36 times between March 23, and June 2, 2006, but like R.C., M.C. only received physical therapy four times. Respondent's clinic records regarding R.C.'s and M.C.'s physical therapy did not document why R.C. and M.C. underwent the number of physical therapy sessions indicated. The records did not describe how the physical therapy methods used were applied to R.C. or M.C. and did not describe each patient's response to the treatments. Respondent failed to monitor R.C.'s and M.C.'s physical therapy treatments.

8. R.C. and M.C. testified at hearing. Neither R.C. nor M.C. made any agreement with the Attorney General's office or any law enforcement agency in return for their testimony in this proceeding. They admitted to acts that helped create untrue and inaccurate medical records to further their personal injury/insurance claims. They admitted that their actions were dishonest and wrong. Neither R.C. nor M.C. ever met Respondent. On their first day in Respondent's clinic, both R.C. and M.C. signed a sign-in sheet that purported to document their presence at subsequent visits. That is, at the initial visit, R.C.

¹ Initials are used when referring to the patients at issue in this matter to preserve patient confidentiality.

signed the sign-in sheet 38 times, documenting 38 future visits between March 23, and June 16, 2006. On that same initial visit, M.C. signed the sign-in sheet 36 times, documenting 36 future visits between March 23, and June 2, 2006. R.C. and M.C. did not visit Respondent's clinic the number of times documented.

9. Complainant proffered the opinions of Dr. Bryce D. Breitenstein, an occupational medicine physician who currently has his own consulting practice and is the Medical Director of the Concentra Occupational Medical Centers in Placentia, California. He is board certified by the National Board of Medical Examiners, the American Board of Internal Medicine, the American Board of Medical Management, and the American Board of Preventative Medicine, among others.

10. Breitenstein reviewed the records in this matter and opined that Respondent's fabricated records for R.C. and M.C. were extreme departures from the standard of care. He further opined that Respondent's failure to monitor R.C.'s and M.C.'s physical therapy, his failure to document where the treatment modalities were applied to each patient, the effects of those treatments, and his failure to document why each patient underwent the number of physical therapy sessions they did, were all extreme departures from the standard of care. Breitenstein clarified that these violations by Respondent (regarding physical therapy), taken alone, were simple departures from the standard of care, but together, over the period of time in which Respondent allegedly treated R.C. and M.C., constituted extreme departures from the standard of care.

11. Respondent did not offer an expert opinion contrary to that of Breitenstein.

12. Respondent has a history of previous discipline by the Board. On August 2, 1999, in *the Matter of the Accusation Against Nolan Jones, M.D.*, case number 09-1997-77146, the Board revoked Respondent's medical license, stayed the revocation, and imposed a four-year probation against Respondent. The probation contained various terms and conditions, including a requirement that Respondent's license be suspended until he successfully completed the Physician's Assessment and Continuing Education program at the University of California, San Diego School of Medicine. The Accusation in that matter alleged that Respondent committed acts of gross negligence (Bus. & Prof. Code, § 2234, subd. (b)), repeated negligent acts (Bus. & Prof. Code, § 2234, subd. (c)), and incompetence (Bus. & Prof. Code, § 2234, subd. (d)) in his care and treatment of numerous female patients in approximately 1996. Respondent entered into a stipulated settlement wherein he agreed not to contest those allegations, agreed he was subject to discipline, and agreed to be bound by the Board's discipline.

13. On June 21, 2002, in *the Matter of the Petition to Revoke Probation Against Nolan Jones, M.D.*, case number D1-1997-77146, the Board again revoked Respondent's medical license, stayed the revocation, and extended Respondent's probation for three years beyond the date it would have otherwise expired under the terms of the previously imposed probation, with various terms and conditions. The Petition in that proceeding alleged that, in approximately 1999, Respondent had violated three different conditions of probation,

including failing to ensure practice monitor reports were filed, failing to obey all laws, and failing to file accurate quarterly reports. Respondent entered into a stipulated settlement, wherein he agreed Complainant could establish a prima facie showing in support of the Petition's charges, he gave up his right to contest those charges, agreed he was subject to discipline, and further agreed to be bound by the imposition of discipline.

14. On August 12, 2004, in *the Matter of the Accusation and Petition to Revoke Probation Against Nolan Jones, M.D.*, case number D2-1997-77146, the Board revoked Respondent's medical license a third time, stayed the revocation, and extended Respondent's probation for five years beyond the date it would have otherwise expired under the terms of the previously imposed probation. The terms and conditions of this probation included condition number 10 that states as follows: "Obey All Laws: Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California, and remain in full compliance with any court ordered criminal probation, payments and other orders." The Accusation and Petition in that proceeding alleged six causes for discipline involving his care and treatment of patients, three distinct counts of gross negligence (Bus. & Prof. Code, § 2234, subd. (b)), two distinct counts of dispensing an improperly labeled dangerous drug (Bus. & Prof. Code, § 2238), and false advertising (Bus. & Prof. Code, § 651). The pleading further alleged cause to revoke the earlier imposed probation for failing to obey all laws. Respondent entered into a stipulated settlement, wherein he agreed Complainant could establish a factual basis for the allegations, gave up his right to contest those charges, agreed he was subject to discipline, and further agreed to be bound by the imposition of discipline.

LEGAL CONCLUSIONS

1. Complainant must prove her case by clear and convincing evidence to a reasonable certainty. (*Ettinger v. Board of Medical Quality Assurance* (1982) 135 Cal.App.3d 853.) Clear and convincing evidence means the evidence is "so clear as to leave no substantial doubt" and is "sufficiently strong to command the unhesitating assent of every reasonable mind." (*Mathieu v. Norrell Corporation* (2004) 115 Cal.App.4th 1174, 1190 [citing *Mock v. Michigan Millers Mutual Ins. Co.* (1992) 4 Cal.App.4th 306, 332-333].)

2. "[A] physician is required to possess and exercise, in both diagnosis and treatment, that reasonable degree of knowledge and skill which is ordinarily possessed and exercised by other members of his profession in similar circumstances." (*Landeros v. Flood* (1976) 17 Cal.3d 399, 408; see also, *Flowers v. Torrance Memorial Hospital Medical Center* (1994) 8 Cal.4th 992, 997-998.) "The standard of care against which the acts of a physician are to be measured is a matter peculiarly within the knowledge of experts . . . and can only be proved by their testimony [citations], unless the conduct required by the particular circumstances is within the common knowledge of the layman." (*Landeros v. Flood, supra*, 17 Cal.3d at p. 410.)

3. Gross negligence is defined as “the want of even scant care or an extreme departure from the ordinary standard of conduct.” (*Eastburn v. Regional Fire Protection Authority* (2003) 31 Cal.4th 1175, 1185-1186.)

4. Business and Professions Code section 2234 states in pertinent part:

The Division of Medical Quality shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

(b) Gross negligence.

[(c)] ... [(c)]

(e) The commission of any act involving dishonesty or corruption which is substantially related to the qualifications, functions, or duties of a physician and surgeon.

5. Business and Professions Code section 2266 states in pertinent part:

The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct.

6. Respondent created false medical records by documenting examinations and evaluations of patients R.C. and M.C., though he never met, examined, or treated either patient. These actions by Respondent are substantially related to a physician's qualifications, functions, and duties. Respondent failed to monitor the four physical therapy sessions with which each patient was treated, and falsely documented that a significant number of additional physical therapy treatments had been rendered to each. Furthermore, he failed to document the basis for treating patients R.C. and M.C. with physical therapy, the manner in which the treatments were administered, and each patient's response to those treatments. All of these actions and omissions by Respondent were extreme departures from the standard of care, and thus constitute gross negligence.

7. Despite proper notification of the date and time of the hearing, Respondent did not appear and failed to provide any discernable defense to Complainant's allegations, except for Respondent's counsel's argument that patients R.C. and M.C. were not credible witnesses. Through counsel, Respondent argued that R.C. and M.C. were persons willing to present untrue medical records as the basis for their accident insurance claims. Respondent argued that, as such, R.C.'s and M.C.'s testimonies were unreliable. However, R.C. and M.C. stood to gain nothing by testifying in this proceeding. Respondent provided no evidence or compelling argument as to why R.C. and M.C., despite their fraudulent actions, should be disbelieved as to their testimony here. This is especially salient given that, by

testifying as they did, R.C. and M.C. risked other potential liability. Thus, considering these points collectively, and despite R.C.'s and M.C.'s previous dishonest actions, their testimony in this proceeding is found credible. (See Evid. Code. § 780, subd. (f).)

8. Complainant proved her allegations by clear and convincing evidence to a reasonable certainty. Respondent's history of discipline by the Board, and his willingness to engage in acts of gross negligence and dishonesty within his medical practice while on probation, demonstrate that the constraints of probation are ineffective and unmerited. Therefore, revocation of Respondent's medical license is appropriate.

9. Cause exists to revoke Respondent's medical license, pursuant to Business and Professions Code section 2234, subdivision (b), for gross negligence, by creating false medical records, as set forth in Factual Findings 1, 2, 5, 7-11, and Legal Conclusions 1-4, and 6-8.

10. Cause exists to revoke Respondent's medical license, pursuant to Business and Professions Code, sections 2234, subdivision (b), for gross negligence, by failing to monitor the physical therapy provided to patients R.C. and M.C., as set forth in Factual Findings 1, 2, 5-11, and Legal Conclusions 1-4, and 6-8.

11. Cause exists to revoke Respondent's medical license, pursuant to Business and Professions Code, section 2234, subdivision (b), for gross negligence, by failing to document the basis for, application of, and responses to the physical therapy provided to patients R.C. and M.C., as set forth in Factual Findings 1, 2, 5-11, and Legal Conclusions 1-4, and 6-8.

12. Cause exists to revoke Respondent's medical license, pursuant to Business and Professions Code section 2234, subdivision (e), for dishonest acts, by creating false medical records for patients R.C. and M.C., acts that are substantially related to a physician's qualifications, functions, and duties, as set forth in Factual Findings 1, 2, 5-11, and Legal Conclusions 1, 2, 4, and 6-8.

13. Cause exists to revoke Respondent's medical license, pursuant to Business and Professions Code, section 2266, for failing to maintain adequate and accurate medical records for patients R.C. and M.C., as set forth in Factual Findings 1, 2, 5-11, and Legal Conclusions 1, 2, and 5-8.

14. Cause exists to revoke Respondent's probation, pursuant to the probationary terms and conditions in the Stipulated Settlement and Disciplinary Order in *the Matter of the Accusation and Petition to Revoke Probation Against Nolan Jones, M.D.*, (case number D2-1997-77146), for committing gross negligence, in violation of Business and Professions Code, section 2234, subdivision (b), by creating medical records that documented evaluations and examinations for patients R.C. and M.C. that did not occur, as set forth in Factual Findings 1, 2, 5-11, 14, and Legal Conclusions 1-4, and 6-9.

15. Cause exists to revoke Respondent's probation, pursuant to the probationary terms and conditions in the Stipulated Settlement and Disciplinary Order in *the Matter of the Accusation and Petition to Revoke Probation Against Nolan Jones, M.D.*, (case number D2-1997-77146), for committing dishonest acts, in violation of Business and Professions Code, section 2234, subdivision (e), by creating medical records that documented evaluations and examinations for patients R.C. and M.C. that did not occur, as set forth in Factual Findings 1, 2, 5-11, and 14, and Legal Conclusions 1, 2, 4, 6-8, and 12.

16. Cause exists to revoke Respondent's probation, pursuant to the probationary terms and conditions in the Stipulated Settlement and Disciplinary Order in *the Matter of the Accusation and Petition to Revoke Probation Against Nolan Jones, M.D.* (case number D2-1997-77146), for committing gross negligence, in violation of Business and Professions Code, section 2234, subdivision (b), by documenting more physical therapy treatments than had occurred for patients R.C. and M.C., as set forth in Factual Findings 1, 2, 5-11, and 14, and Legal Conclusions 1-4, and 6-8.

17. Cause exists to revoke Respondent's probation, pursuant to the probationary terms and conditions in the Stipulated Settlement and Disciplinary Order in *the Matter of the Accusation and Petition to Revoke Probation Against Nolan Jones, M.D.* (case number D2-1997-77146), for committing gross negligence, in violation of Business and Professions Code, section 2234, subdivision (b), by failing to document the basis for, application of, and responses to, the physical therapy provided to patients R.C. and M.C., as set forth in Factual Findings 1, 2, 5-11, 14, and Legal Conclusions 1-4, 6-8, and 11.


18. Cause exists to revoke Respondent's probation, pursuant to the probationary terms and conditions in the Stipulated Settlement and Disciplinary Order in *the Matter of the Accusation and Petition to Revoke Probation Against Nolan Jones, M.D.* (case number D2-1997-77146), for committing gross negligence, in violation of Business and Professions Code, section 2234, subdivision (b), by failing to monitor the physical therapy treatments of patients R.C. and M.C., as set forth in Factual Findings 1, 2, 5-11, 14, and Legal Conclusions 1-4, 6-8, and 10.

19. Cause exists to revoke Respondent's probation, pursuant to the probationary terms and conditions in the Stipulated Settlement and Disciplinary Order in *the Matter of the Accusation and Petition to Revoke Probation Against Nolan Jones, M.D.* (case number D2-1997-77146), for failing to maintain adequate and accurate records, in violation of Business and Professions Code, section 2266, as set forth in Factual Findings 1, 2, 5-11, 14, and Legal Conclusions 1, 2, 5-8, and 13.

ORDER

Certificate number A 30400, issued to Respondent Nolan Jones is revoked pursuant to Legal Conclusions 9-19, separately and for all of them.

Dated: February 17, 2009



DANIEL JUAREZ
Administrative Law Judge
Office of Administrative Hearings

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7
8

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO January 4 20 09
BY: J. [Signature] ANALYST

9 **BEFORE THE**
10 **MEDICAL BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation and Petition to
Revoke Probation Against:

13 NOLAN JONES, M.D.

14 3756 Santa Rosalia, Suite 220
15 Los Angeles, California 90008

16 Physician's and Surgeon's Certificate No. A
30400,

17 Respondent.
18

Case No. D3-1997-77146

**FIRST AMENDED ACCUSATION
AND PETITION TO REVOKE
PROBATION**

19 Complainant alleges:
20

PARTIES

21 1. Barbara Johnston (Complainant) brings this First Amended Accusation
22 and Petition to Revoke Probation solely in her official capacity as the Executive Director of the
23 Medical Board of California (Board). This First Amended Accusation and Petition to Revoke
24 Probation supercedes and supplants the original Accusation and Petition to Revoke Probation
25 filed in this matter on July 17, 2008.

26 2. On or about August 27, 1976, the Board issued Physician's and Surgeon's
27 Certificate number A 30400 to Nolan Jones, M.D. (Respondent). This license was in effect at all
28

1 monitoring upon order of the division.

2 (4) Be publicly reprimanded by the division.

3 (5) Have any other action taken in relation to discipline as part of an order of
4 probation, as the division or an administrative law judge may deem proper."

5 6. Section 2266 of the Code states:

6 "The failure of a physician and surgeon to maintain adequate and accurate records
7 relating to the provision of services to their patients constitutes unprofessional conduct."

8 7. Section 2234 of the Code states:

9 "The Division of Medical Quality shall take action against any licensee who is
10 charged with unprofessional conduct. In addition to other provisions of this article,
11 unprofessional conduct includes, but is not limited to, the following:

12 "(a) Violating or attempting to violate, directly or indirectly, assisting in or
13 abetting the violation of, or conspiring to violate any provision of this chapter [Chapter 5,
14 the Medical Practice Act].

15 "(b) Gross negligence.

16 "(c) Repeated negligent acts. To be repeated, there must be two or more
17 negligent acts or omissions. An initial negligent act or omission followed by a separate
18 and distinct departure from the applicable standard of care shall constitute repeated
19 negligent acts.

20 "(1) An initial negligent diagnosis followed by an act or omission medically
21 appropriate for that negligent diagnosis of the patient shall constitute a single negligent
22 act.

23 "(2) When the standard of care requires a change in the diagnosis, act, or
24 omission that constitutes the negligent act described in paragraph (1), including, but not
25 limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's
26 conduct departs from the applicable standard of care, each departure constitutes a separate
27 and distinct breach of the standard of care.

28 "(d) Incompetence.

1 "(e) The commission of any act involving dishonesty or corruption which is
2 substantially related to the qualifications, functions, or duties of a physician and surgeon.

3 "(f) Any action or conduct which would have warranted the denial of a
4 certificate."

5 **CAUSES FOR DISCIPLINE**

6 **FIRST CAUSE OF DISCIPLINE**

7 [Gross Negligence; B&P Code Section 2234(b)]

8 8. Respondent is subject to disciplinary action under Business and
9 Professions Code section 2234(b) for gross negligence. The facts and circumstances are as
10 follows:

11 9. At all times relevant to the acts hereinafter related, Respondent was
12 employed as a physician at St. Andrew's Polymedic Medical Clinic (the Clinic).

13 10. On or about March 19, 2006 R.C. and M.C., a married couple, were
14 involved in a motor vehicle accident. They both went to the Clinic for treatment on March 23,
15 2006 at which time and place Respondent reportedly examined and evaluated them.

16 **PATIENT R.C.**

17 11. Respondent reported that he performed a comprehensive medical
18 examination and evaluation of R.C. on March 23, 2006. In addition he reported that he
19 performed examinations and evaluations of R.C. on March 31, 2006; on April 10, 2006; on April
20 14, 2006; on May 1, 2006; on May 12, 2006; on May 22, 2006; on May 31, 2006; and on June
21 16, 2006.

22 12. Respondent reported this by means of both a typed report captioned
23 "Initial & Final Personal Injury Medical Report" and by means of progress notes.

24 13. Notwithstanding Respondent's "Initial & Final Personal Injury Medical
25 Report" and progress notes Respondent never examined or evaluated R.C.

26 14. Respondent signed the "Initial & Final Personal Injury Medical Report"
27 June 16, 2006. It documented the examination Respondent reported he performed on March 23,
28 2006 and the final examination he performed on June 16, 2006.

1 15. This report included the following record:

2 “Palpation showed straightening of the cervical spine and tenderness over the
3 bony structures of the cervical spine at C3-C7 spinous processes. Palpation of the
4 anterior and posterior soft tissues revealed tenderness and spasm over the
5 suboccipital muscles, upper trapizius and paraspinal muscles billaterally.
6 Tenderness to palpation was also noted bilaterally over the ligamentous nuchae,
7 the paraspinal structure and the supraclavicular area. Range of motion was limited
8 and painful.”

9 16. “Palpation” is a method of feeling with the hands during a physical
10 examination. The health care provider touches and feels the patient's body to examine the size,
11 consistency, texture, location, and tenderness of an organ or body part.

12 17. In this report he diagnosed R.C. with the following conditions: “Cervical
13 Myoligamentour Myofascial Strain/Sprain, Acute, Moderate; Lumbrosacral Myoligamentous
14 Myofascial Strain/Sprain, Acute, moderate; Left and right should strain/sprain, acute, moderate.”

15 18. At the end of a seven-page report Respondent identified himself as the
16 attending physician and signed the document.

17 19. For this examination the Clinic charged \$225.00 for an “initial
18 compresensive [sic] examination, complete history and physical examination.” The Clinic also
19 charged \$45.00 for the medical evaluation and report preparation he reported he undertook on
20 June 16, 2006.

21 20. On June 16, 2006 Respondent reported that R.C. indicated that his pain
22 had subsided. Furthermore, Respondent reported that an examination of R.C. had revealed full
23 and painless range of motion.

24 21. In addition to this report there are a number of progress notes which
25 contain Respondent’s signature at the bottom of each document. These documents include a
26 record signed by Respondent recording a March 23, 2006 examination and evaluation of R.C.
27 which Respondent reported that he conducted.

28 22. These progress notes record that Respondent had examined and evaluated

1 R.C. on March 31, 2006; on April 10, 2006; on April 14, 2006; on May 1, 2006; on May 12,
2 2006; on May 22, 2006; on May 31, 2006; and on June 16, 2006,

3 23. Each of these records recites R.C.'s vital signs, contains an assessment and
4 diagnosis and treatment/recommendation. Each of these records contains Respondent's signature
5 and handwriting.

6 24. On the March 31, April 10, April 14, May 1, May 12, May 22, and May 31
7 dates Respondent recommended that R.C. continue physical therapy.

8 25. Subsequent to his initial visit on March 23, 2006, and pursuant to
9 Respondent's treatment plan, the Clinic recorded R.C. to have undergone numerous physical
10 therapy treatments in order to address the symptoms R.C. reported that he had.

11 26. From March 23, 2006 through June 16, 2006, the Clinic documented that
12 R.C. received physical therapy thirty-eight (38) times. This physical therapy consisted of "hot
13 fermentation," "orthion bed," "massage" and "vasopneumatic devise" treatments on thirty-eight
14 (38) different occasions. Hot fermentation refers to the application of heat through a fermentation
15 process to a patient's body. A vasopneumatic device treatment is the application of intermittent
16 pressure to a patient's body part. An orthion bed is a mechanical massage table used to align the
17 spine and neck.

18 27. In fact R.C. only received four such treatments, not the thirty-eight (38)
19 reported.

20 28. Clinic records which record the physical therapy R.C. supposedly received
21 failed to describe how the physical therapy methods were applied to R.C. and failed to describe
22 R.C.'s response to these treatments.

23 29. Furthermore, these clinic records fail to indicate that Respondent
24 monitored the physical therapy treatments R.C. received.

25 30. Respondent in fact failed to monitor the physical therapy treatments which
26 R.C. received.

27 31. The Clinic charged \$30.00 dollars for each of the thirty-eight treatments.

28 32. On June 16 Respondent discharged R.C. from further treatment.

PATIENT M.C.

33. Respondent reported that he performed a comprehensive medical examination and evaluation of M.C. on March 23, 2006; April 10, 2006; April 20, 2006; May 1, 2006; May 19, 2006; and June 2, 2006.

34. Respondent reported this by means of both a typed report captioned "Initial & Final Personal Injury Medical Report" and by means of progress notes.

35. Despite this report and records Respondent never examined or evaluated M.C.

36. Respondent signed the "Initial & Final Personal Injury Medical Report" June 16, 2006. It documented the examination Respondent stated he performed on March 23, 2006 and the final examination he performed on June 2, 2006.

37. On March 19, 2006, Respondent stated that he had performed a complete evaluation and examination of M.C.

38. Respondent asserted in his Initial and Final Personal Injury Medical Report that he conducted on March 23, 2006, "a comprehensive evaluation, including a complete medical and surgical history, as well as a physical examination, and the nature and extent of injuries were thoroughly discussed with the patient . . ."

39. In this report Respondent identified himself as the "attending" physician.

40. Respondent stated the following in this report with respect to M.C.'s condition:

"Palpation showed tenderness over the bony structures of the cervical spine at C3-C7 spinous processes. Palpation of the anterior and posterior soft tissues revealed tenderness and spasm over the suboccipital muscles, upper trapizius and paraspinal muscles bilaterally. Tenderness to palpation was also noted bilaterally over the ligamentour nuchae, the paraspinal structure and the supraclavicular area. Range of motion was limited and painful."

41. Based upon Respondent's medical records, Respondent diagnosed M.C. with the following conditions: Cehalgia; Cervical Myoligamentous Myofascial Strain/Sprain

1 Acute, moderate; Thoracic Myoligamentous Myofascial Strain/Sprain, Acute, moderate;
2 Lumbosacral Myoligamentous Myofascial Strain/Sprain, Acute, moderate; left knee sprain/strain;
3 left ankle sprain.

4 42. In progress notes dated March 23, 2006; April 10, 2006; April 20, 2006;
5 May 1, 2006; May 19, 2006; and June 2, 2006, Respondent documented that he examined and
6 evaluated M.C. Each of these records contains Respondent's signature at the bottom of the page.
7 Respondent recorded M.C.'s vital signs in each of these records, and provided assessments,
8 diagnoses, and treatment recommendations. Except for the March 23, 2006 and June 2, 2006
9 progress notes, Respondent recommended that M.C. continue with physical therapy.

10 43. From March 23, 2006 through June 2, 2006, M.C. was recorded to have
11 received numerous physical therapy treatments. This therapy included a number of "hot
12 fermentation," "orthion bed" and "vasopneumatic device" treatments. M.C. allegedly received
13 thirty-six (36) such treatments.

14 44. Clinic records which record the physical therapy M.C. supposedly received
15 fail to describe how the physical therapy methods were applied to M.C. and fail to describe
16 M.C.'s response to these treatments.

17 45. Furthermore, these clinic records fail to indicate that Respondent
18 monitored the physical therapy treatments M.C. received.

19 46. In fact, Respondent failed to monitor M.C.'s physical therapy treatments.

20 47. The Clinic charged \$30 for each physical therapy treatment.

21 48. However, M.C. only received four of these treatments.

22 49. On June 2, 2006, Respondent discharged her from his care. Respondent
23 discharged her with the comment that she was improving but with the possibility of the need for
24 follow up care.

25 50. The Clinic charged M.C. \$250.00 for an "initial compresensive [sic]
26 examination, complete history and physical examination." The Clinic also charged \$45.00 for
27 "medical review and preparation of report" on June 2, 2006.

28 51. Respondent's action to document that he had examined and evaluated R.C.

1 when in fact he had not represents an extreme departure from the standard of care.

2 52. Respondent's action to document that he had examined and evaluated
3 M.C. when in fact he had not, represents an extreme departure from the standard of care.

4 53. For both of these reasons, both separately and together, Respondent is
5 subject to discipline.

6 **SECOND CAUSE FOR DISCIPLINE**

7 [Gross Negligence; B&P Code Section 2234(b)]

8 54. Complainant repeats paragraphs 10 through 50 as if fully included herein.

9 55. Respondent failed to monitor the physical therapy treatments which M.C.
10 and R.C. received in order to assess the effects of these treatments on his two patients.

11 56. Respondent's failure to so monitor these treatments represents an extreme
12 departure from the standard of care.

13 57. Accordingly, Respondent is subject to discipline.

14 **THIRD CAUSE FOR DISCIPLINE**

15 [Gross Negligence; B&P Code Section 2234(b)]

16 58. Complainant repeats paragraphs 10 through 50 as if fully included herein.

17 59. Respondent failed to document in R.C.'s and M.C.'s medical charts where
18 the various treatment modalities were applied to their bodies; and he failed to describe the effects
19 of their physical therapy treatments. In addition, Respondent failed to document the reason R.C.
20 and M.C. underwent the number of physical therapy visits they undertook.

21 60. These failures represent an extreme departure from the standard of care.

22 61. Accordingly, Respondent is subject to discipline.

23 **FOURTH CAUSE FOR DISCIPLINE**

24 [Acts Involving Dishonesty; B&P Code Section 2234(e)]

25 62. Complainant repeats paragraphs 10 through 50 as if fully included herein.

26 63. Respondent reported that he performed examinations and evaluations of
27 R.C. and M.C. which he did not perform.

28 64. As such Respondent committed acts involving dishonesty or corruption

1 which is substantially related to the qualifications, functions, or duties of a physician and
2 surgeon.

3 65. Accordingly, on this basis, Respondent is subject to discipline.

4 **FIFTH CAUSE FOR DISCIPLINE**

5 [Failure to Maintain Adequate and Accurate Records; B&P Code Section 2266]

6 66. Complainant repeats paragraphs 10 through 50 as if fully included herein.

7 67. Respondent failed to maintain adequate and accurate records pertaining to
8 patients R.C. and M.C. when he documented that he had examined them when he had not..

9 68. As such Respondent engaged in unprofessional conduct.

10 69. Accordingly, on this basis, Respondent is subject to discipline.

11 **CAUSES TO REVOKE PROBATION**

12 **FIRST CAUSE TO REVOKE PROBATION**

13 [Failure to Obey Rules Governing the Practice of Medicine]

14 70. Complainant repeats paragraphs 10 through 50 as if fully included herein.

15 71. At all times after the effective date of Respondent's probation, Condition
16 10 of the Disciplinary Order stated as follows:

17 "10. OBEY ALL LAWS Respondent shall obey all federal, state and
18 local laws, all rules governing the practice of medicine in California, and remain
19 in full compliance with any court ordered criminal probation, payments and other
20 orders."

21 72. Respondent violated this condition when he failed to obey rules governing
22 the practice of medicine in California.

23 73. Respondent committed gross negligence, a violation of Code Section
24 2234(b), when he documented that he had examined and evaluated R.C. and M.C. when he had
25 not.

26 74. Accordingly, Respondent violated a condition of his probation because he
27 failed to follow the rules governing the practice of medicine in California. As a result his
28 probation is subject to revocation.

1 **SECOND CAUSE TO REVOKE PROBATION**

2 [Failure to Obey Rules Governing the Practice of Medicine]

3 75. Complainant repeats paragraphs 10 through 50 as if fully included herein.

4 76. In violation of B&P Code Section 2234(e) Respondent committed an act
5 involving dishonesty or corruption which is substantially related to the qualifications, functions,
6 or duties of a physician and surgeon when Respondent reported that he performed examinations
7 and evaluations of R.C. and M.C. which he in fact did not.

8 77. Accordingly, Respondent violated a condition of his probation because he
9 failed to follow the rules governing the practice of medicine in California. As a result his
10 probation is subject to revocation.

11 **THIRD CAUSE TO REVOKE PROBATION**

12 [Failure to Obey Rules Governing the Practice of Medicine]

13 78. Complainant repeats paragraphs 10 through 50 as if fully included herein.

14 79. Respondent committed gross negligence, a violation of B&P Code
15 Section 2234(b), when he recorded that R.C. and M.C. had received numerous physical therapy
16 treatments when, in fact, they had received only four treatments each.

17 80. Accordingly, Respondent violated a condition of his probation because he
18 failed to follow the rules governing the practice of medicine in California. As a result his
19 probation is subject to revocation.

20 **FOURTH CAUSE TO REVOKE PROBATION**

21 [Failure to Obey Rules Governing the Practice of Medicine]

22 81. Complainant repeats paragraphs 10 through 50 as if fully included herein.

23 82. Respondent committed gross negligence when he failed to adequately
24 chart R.C.'s and M.C.'s physical therapy treatments.

25 83. Specifically, Respondent failed to document in R.C.'s and M.C.'s medical
26 charts where the various treatment modalities were applied to their bodies; and he failed to
27 describe the effects of their physical therapy treatments. In addition, Respondent failed to
28 document the reason R.C. and M.C. underwent the number of physical therapy visits they

1 undertook.

2 84. Accordingly, Respondent violated a condition of his probation because he
3 failed to follow the rules governing the practice of medicine in California. As a result his
4 probation is subject to revocation.

5 **FIFTH CAUSE TO REVOKE PROBATION**

6 [Failure to Obey Rules Governing the Practice of Medicine]

7 85. Complainant repeats paragraphs 10 through 50 as if fully included herein.

8 86. Respondent committed gross negligence, a violation of B&P Code
9 Section 2234(b), when he failed to monitor M.C.'s and R.C.'s physical therapy treatments.

10 87. Accordingly, Respondent violated a condition of his probation because he
11 failed to follow the rules governing the practice of medicine in California. As a result his
12 probation is subject to revocation.

13 **SIXTH CAUSE TO REVOKE PROBATION**

14 [Failure to Obey Rules Governing the Practice of Medicine]

15 88. Complainant repeats paragraphs 10 through 50 as if fully included herein.

16 89. Respondent engaged in unprofessional conduct when he failed to maintain
17 adequate and accurate records relating to the provision of services in his patients, a violation of
18 B&P Code Section 2266.

19 90. Accordingly, Respondent violated a condition of his probation because he
20 failed to follow the rules governing the practice of medicine in California. As a result his
21 probation is subject to revocation.

22 **DISCIPLINE CONSIDERATIONS**

23 91. To determine the degree of discipline, if any, to be imposed on
24 Respondent, Complainant alleges that on or about August 2, 1999, in a prior action entitled *In the*
25 *Matter of the Accusation Against Nolan Jones, M.D.*, Case No. 09-1997-77146, before the
26 Medical Board of California (the Board), Respondent's license was disciplined based on
27 allegations of gross negligence. Respondent agreed not to contest the Board's Accusation. The
28 facts alleged in the Accusation asserted that, contrary to the advise of Respondent's hospital-

1 appointed proctor, Respondent had performed a dilation and curettage (D&C) on a 44-year old
2 patient suffering from persistent vaginal bleeding without doing a pap smear pre-operatively. The
3 Accusation also alleged that Respondent had committed repeated negligent acts in his
4 performance of the D&C without doing a pap smear; and further that Respondent had committed
5 repeated negligent acts in his performance of D&Cs without doing pap smears in his care of four
6 young women admitted in October and November 1996 to the San Bernardino Community
7 Hospital to have their babies delivered by Respondent. On August 2, 1999, the Board revoked
8 then stayed the revocation of Respondent's license. Respondent was then placed on probation for
9 a period of four (4) years with certain terms and conditions.

10 92. Subsequently, the Board filed an administrative action on May 30, 2000 in
11 a matter entitled *In the Matter of the Petition to Revoke Probation Against Nolan C. Jones, M.D.*,
12 Case Number D1-1997-77146. The Board asserted that Respondent failed to comply with
13 probation terms requiring him to ensure practice monitor reports were filed; he failed to have a
14 properly certified x-ray operator at a clinic; he failed to properly supervise aides in the billing of
15 services under his provider number; and he failed to answer truthfully a question in a quarterly
16 probation report. In a Decision with an effective date of June 21, 2002, the Board revoked then
17 stayed the revocation of Respondent's Medical license. The Board then extended Respondent's
18 probation under the same conditions as Case Number 09-1997-77146 for a period of three (3)
19 years.

20 93. As mentioned in paragraph three (3) above, the Board filed an Accusation
21 and Petition to Revoke Probation against Respondent on December 3, 2003, *In the Matter of the*
22 *Accusation and Petition to Revoke Probation Against Nolan C. Jones, M.D.*, Case Number D2-
23 1997-77146. In this pleading the Board accused Respondent of performing an elective abortion
24 without first obtaining a blood count and without having an oxygen tank available for the
25 administration of oxygen at the clinic. The Board accused Respondent of dispensing an
26 improperly labeled dangerous drug to another patient; the Board also accused Respondent of
27 false advertising because his business cards represented that he was a Diplomate of the American
28 Board of Obstetrics and Gynecology when in fact he was not. In addition, the Board accused

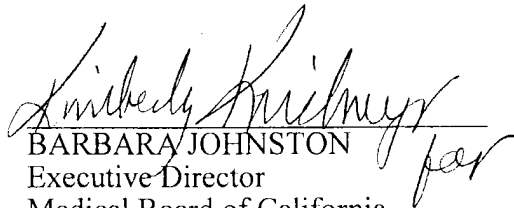
1 Respondent of gross negligence with respect to another patient when he failed to complete a
2 complete blood count before performing an elective abortion and dispensing an improperly
3 labeled dangerous drug to this patient. The Board asked that Respondent's previously imposed
4 probation be revoked for his failure to obey all laws. In a Decision with an effective date of
5 August 12, 2004, the Board suspended Respondent's license for a period of thirty-days (30) and
6 extended his probation for five (5) years with certain terms and conditions.

7 **PRAYER**

8 **WHEREFORE**, Complainant requests that a hearing be held on the matters
9 herein alleged, and that following the hearing, the Medical Board of California issue a decision:

- 10 1. Revoking the probation that was granted by the Medical Board of
11 California in Case No. D2-1997-77146 and imposing the disciplinary order that was stayed
12 thereby revoking Physician's and Surgeon's Certificate No. A 30400 issued to Nolan Jones,
13 M.D.;
- 14 2. Revoking or suspending the Physician's and Surgeon's Certificate No. A
15 30400, issued to Nolan Jones, M.D.;
- 16 3. Ordering him if probation is continued or extended, to pay the costs of
17 probation monitoring;
- 18 4. Taking such other and further action as deemed necessary and proper.

19
20 DATED: January 7, 2009

21
22 
23 BARBARA JOHNSTON
24 Executive Director
25 Medical Board of California
26 Department of Consumer Affairs
27 State of California
28 Complainant

LA2008500907

Exhibit A

Decision and Order

Medical Board of California Case No. D2 1997 077146

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation and
Petition to Revoke Probation Against:

NOLAN C. JONES, M.D.

File No: D2-1997-77146

Physician and Surgeon's
Certificate #A 30400

Respondent.

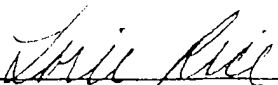
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision and Order by the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on August 12, 2004.

IT IS SO ORDERED July 13, 2004

MEDICAL BOARD OF CALIFORNIA



Lorie Rice
Chair, Panel A
Division of Medical Quality

1 BILL LOCKYER, Attorney General
of the State of California
2 E. A. JONES III, State Bar No. 71375
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2543
5 Facsimile: (213) 897-1071

6 Attorneys for Complainant

7 **BEFORE THE**
8 **DIVISION OF MEDICAL QUALITY**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation and Petition to
13 Revoke Probation Against:

14 NOLAN C. JONES, M.D.

15 Physician's and Surgeon's
16 Certificate No. A-30400

17 Respondent.

Case No. D2-1997-77146

OAH No. L2004010083

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18 In the interest of a prompt and speedy settlement of this matter, consistent with the public
19 interest and the responsibility of the Division of Medical Quality, Medical Board of California of the
20 Department of Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and
21 Disciplinary Order which will be submitted to the Division for approval and adoption as the final disposition
22 of the Accusation and Petition to Revoke Probation

PARTIES

23 1. David T. Thornton (Complainant) is the Interim Executive Director of the Medical
24 Board of California. He brought this action solely in his official capacity and is represented in this matter
25 by Bill Lockyer, Attorney General of the State of California, by E. A. Jones III, Deputy Attorney General.

26 2. Respondent Nolan C. Jones, M.D. (Respondent) is represented in this proceeding
27 by attorney Theodore A. Cohen, whose address is Law Offices, 9982 Santa Monica Blvd., Beverly Hills,
28 CA 90212.

3. On or about August 27, 1976, the Medical Board of California issued Physician and Surgeon Certificate Number A-30400 to Nolan C. Jones, M.D. (Respondent). The Physician and Surgeon Certificate was on probationary status at all times relevant to the charges brought herein and will expire on October 31, 2004, unless renewed.

JURISDICTION

4. Accusation and Petition to Revoke Probation No. D2-1997-77146 was filed before the Division of Medical Quality (Division) for the Medical Board of California, Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on May 30, 2000. Respondent timely filed his Notice of Defense contesting the Accusation and Petition to Revoke Probation. A copy of Accusation and Petition to Revoke Probation No. D2-1997-77146 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation and Petition to Revoke Probation No. D2-1997-77146. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation and Petition to Revoke Probation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent understands and agrees that the charges and allegations in Accusation

1 and Petition to Revoke Probation No. D2-1997-77146, if proven at a hearing, constitute cause for
2 imposing discipline upon his Physician's and Surgeon's Certificate No. A-30400.

3 9. For the purpose of resolving the Accusation and Petition to Revoke Probation
4 without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing,
5 Complainant could establish a factual basis for the charges in the Accusation and Petition to Revoke
6 Probation, and that Respondent hereby gives up his right to contest those charges. Further, respondent
7 agrees that if he seeks modification or termination of his probation, all of the allegations and charges in the
8 Accusation and Petition to Revoke Probation No. D2-1997-77146 will be deemed admitted.

9 10. Respondent agrees that his Physician's and Surgeon's Certificate is subject to
10 discipline and he agrees to be bound by the Division's imposition of discipline as set forth in the Disciplinary
11 Order below.

12 RESERVATION

13 11. The admissions made by Respondent herein are only for the purposes of this
14 proceeding, or any other proceedings in which the Division of Medical Quality, Medical Board of
15 California, or other professional licensing agency is involved, and shall not be admissible in any other
16 criminal or civil proceeding.

17 CONTINGENCY

18 12. This stipulation shall be subject to approval by the Division of Medical Quality.
19 Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of
20 California may communicate directly with the Division regarding this stipulation and settlement, without
21 notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands
22 and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the
23 Division considers and acts upon it. If the Division fails to adopt this stipulation as its Decision and Order,
24 the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph,
25 it shall be inadmissible in any legal action between the parties, and the Division shall not be disqualified from
26 further action by having considered this matter.

27 13. The parties understand and agree that facsimile copies of this Stipulated Settlement
28 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the

1 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force
2 effect as the originals.

3 14. In consideration of the foregoing admissions and stipulations, the parties agree
4 that the Division may, without further notice or formal proceeding, issue and enter the following
5 Disciplinary Order:

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A-30400
8 issued to Respondent Nolan C. Jones, M.D. is revoked. However, the revocation is stayed and
9 Respondent is placed on continued probation on the following terms and conditions.

10 1. EXTENSION OF PROBATION Respondent's probation in Case No. D1-
11 1999-77146 is extended for a period of five (5) years beyond the date in which it would expire but
12 this Stipulated Settlement and Disciplinary Order.

13 2. ACTUAL SUSPENSION As part of probation, respondent is suspended
14 from the practice of medicine for 30 days beginning the sixteenth (16th) day after the effective date
15 this decision.

16 3. EDUCATION COURSE Within 60 calendar days of the effective date of the
17 Decision, and on an annual basis thereafter, respondent shall submit to the Division or its designee
18 its prior approval educational program(s) or course(s) which shall not be less than 40 hours per year
19 for each year of probation. The educational program(s) or course(s) shall be aimed at correcting an
20 areas of deficient practice or knowledge and shall be Category I certified, limited to classroom,
21 conference, or seminar settings. The educational program(s) or course(s) shall be at respondent's
22 expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal
23 of licensure. Following the completion of each course, the Division or its designee may administer
24 examination to test respondent's knowledge of the course. Respondent shall provide proof of
25 attendance for 65 hours of continuing medical education of which 40 hours were in satisfaction of
26 condition.

27 4. PRESCRIBING PRACTICES COURSE Within 60 calendar days of the
28 effective date of this Decision, respondent shall enroll in a course in prescribing practices, at

1 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Division or its
2 designee, be accepted towards the fulfillment of this condition if the course would have been approved by
3 the Division or its designee had the course been taken after the effective date of this Decision.

4 Respondent shall submit a certification of successful completion to the Division or its
5 designee not later than 15 calendar days after successfully completing the course, or not later than 15
6 calendar days after the effective date of the Decision, whichever is later.

7 5. CLINICAL TRAINING PROGRAM Within 60 calendar days of the effective
8 date of this Decision, respondent shall enroll in a clinical training or educational program equivalent to the
9 Physician Assessment and Clinical Education Program (PACE) offered at the University of California - San
10 Diego School of Medicine ("Program").

11 The Program shall consist of a Comprehensive Assessment program comprised of a two-
12 day assessment of respondent's physical and mental health; basic clinical and communication skills common
13 to all clinicians; and medical knowledge, skill and judgment pertaining to respondent's specialty or sub-
14 specialty, and at minimum, a 40 hour program of clinical education in the area of practice in which
15 respondent was alleged to be deficient and which takes into account data obtained from the assessment,
16 Decision(s), Accusation(s), and any other information that the Division or its designee deems relevant.
17 Respondent shall pay all expenses associated with the clinical training program.

18 Based on respondent's performance and test results in the assessment and clinical
19 education, the Program will advise the Division or its designee of its recommendation(s) for the scope and
20 length of any additional educational or clinical training, treatment for any medical condition, treatment for
21 any psychological condition, or anything else affecting respondent's practice of medicine. Respondent shall
22 comply with Program recommendations.

23 At the completion of any additional educational or clinical training, respondent shall submit
24 to and pass an examination. The Program's determination whether or not respondent passed the
25 examination or successfully completed the Program shall be binding.

26 Respondent shall complete the Program not later than six months after respondent's initial
27 enrollment unless the Division or its designee agrees in writing to a later time for completion.

28 Failure to participate in and complete successfully all phases of the clinical training program

1 outlined above is a violation of probation.

2 If respondent fails to complete the clinical training program within the designated time
3 period, respondent shall cease the practice of medicine within 72 hours after being notified by the Division
4 or its designee that respondent failed to complete the clinical training program.

5 6. MONITORING - PRACTICE Within 30 calendar days of the effective date of
6 this Decision, respondent shall submit to the Division or its designee for prior approval as a practice
7 monitor, the name and qualifications of one or more licensed physicians and surgeons whose licenses are
8 valid and in good standing, and who are preferably American Board of Medical Specialties (ABMS)
9 certified. A monitor shall have no prior or current business or personal relationship with respondent, or
10 other relationship that could reasonably be expected to compromise the ability of the monitor to render fair
11 and unbiased reports to the Division, including, but not limited to, any form of bartering, shall be in
12 respondent's field of practice, and must agree to serve as respondent's monitor. Respondent shall pay all
13 monitoring costs.

14 The Division or its designee shall provide the approved monitor with copies of the
15 Decision(s) and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of receipt of the
16 Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit a signed statement that
17 the monitor has read the Decision(s) and Accusation(s), fully understands the role of a monitor, and agrees
18 or disagrees with the proposed monitoring plan. If the monitor disagrees with the proposed monitoring
19 plan, the monitor shall submit a revised monitoring plan with the signed statement.

20 Within 60 calendar days of the effective date of this Decision, and continuing throughout
21 probation, respondent's practice shall be monitored by the approved monitor. Respondent shall make all
22 records available for immediate inspection and copying on the premises by the monitor at all times during
23 business hours, and shall retain the records for the entire term of probation.

24 The monitor(s) shall submit a quarterly written report to the Division or its designee which
25 includes an evaluation of respondent's performance, indicating whether respondent's practices are within
26 the standards of practice of medicine or billing, or both, and whether respondent is practicing medicine
27 safely, billing appropriately or both.

28 It shall be the sole responsibility of respondent to ensure that the monitor submits the

1 quarterly written reports to the Division or its designee within 10 calendar days after the end of the
2 preceding quarter.

3 If the monitor resigns or is no longer available, respondent shall, within 5 calendar days of
4 such resignation or unavailability, submit to the Division or its designee, for prior approval, the name and
5 qualifications of a replacement monitor who will be assuming that responsibility within 15 calendar days.
6 If respondent fails to obtain approval of a replacement monitor within 60 days of the resignation or
7 unavailability of the monitor, respondent shall be suspended from the practice of medicine until a
8 replacement monitor is approved and prepared to assume immediate monitoring responsibility. Respondent
9 shall cease the practice of medicine within 3 calendar days after being so notified by the Division or
10 designee.

11 In lieu of a monitor, respondent may participate in a professional enhancement program
12 equivalent to the one offered by the Physician Assessment and Clinical Education Program at the University
13 of California, San Diego School of Medicine, that includes, at minimum, quarterly chart review, semi-annual
14 practice assessment, and semi-annual review of professional growth and education. Respondent shall
15 participate in the professional enhancement program at respondent's expense during the term of probation.

16 Failure to maintain all records, or to make all appropriate records available for immediate
17 inspection and copying on the premises, or to comply with this condition as outlined above is a violation
18 of probation.

19 7. PRACTICE REQUIREMENT During probation, respondent shall ensure that
20 he has appropriate staff and equipment available when performing surgeries.

21 8. NOTIFICATION Prior to engaging in the practice of medicine, the respondent
22 shall provide a true copy of the Decision(s) and Accusation(s) to the Chief of Staff or the Chief Executive
23 Officer at every hospital where privileges or membership are extended to respondent, at any other facility
24 where respondent engages in the practice of medicine, including all physician and locum tenens registries
25 or other similar agencies, and to the Chief Executive Officer at every insurance carrier which extends
26 malpractice insurance coverage to respondent. Respondent shall submit proof of compliance to the
27 Division or its designee within 15 calendar days.

28 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

1 9. SUPERVISION OF PHYSICIAN ASSISTANTS During probation, respondent
2 is prohibited from supervising physician assistants.

3 10. OBEY ALL LAWS Respondent shall obey all federal, state and local laws, all
4 rules governing the practice of medicine in California, and remain in full compliance with any court ordered
5 criminal probation, payments and other orders.

6 11. QUARTERLY DECLARATIONS Respondent shall submit quarterly
7 declarations under penalty of perjury on forms provided by the Division, stating whether there has been
8 compliance with all the conditions of probation. Respondent shall submit quarterly declarations not later
9 than 10 calendar days after the end of the preceding quarter.

10 12. PROBATION UNIT COMPLIANCE Respondent shall comply with the
11 Division's probation unit. Respondent shall, at all times, keep the Division informed of respondent's
12 business and residence addresses, including all locations (such as clinics and/or hospitals) where respondent
13 engages in the practice of medicine. Changes of such addresses shall be immediately communicated in
14 writing to the Division or its designee. Under no circumstances shall a post office box serve as an address
15 of record, except as allowed by Business and Professions Code section 2021(b).

16 Respondent shall not engage in the practice of medicine in respondent's place of residence.
17 Respondent shall maintain a current and renewed California physician's and surgeon's license.

18 Respondent shall immediately inform the Division, or its designee, in writing, of travel to any
19 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than 30 calendar
20 days.

21 13. INTERVIEW WITH THE DIVISION, OR ITS DESIGNEE Respondent shall
22 be available in person for interviews either at respondent's place of business or at the probation unit office,
23 with the Division or its designee, upon request at various intervals, and either with or without prior notice
24 throughout the term of probation.

25 14. RESIDING OR PRACTICING OUT-OF-STATE In the event respondent
26 should leave the State of California to reside or to practice, respondent shall notify the Division or its
27 designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is defined
28 as any period of time exceeding 30 calendar days in which respondent is not engaging in any activities

1 defined in Sections 2051 and 2052 of the Business and Professions Code.

2 All time spent in an intensive training program outside the State of California which has been
3 approved by the Division or its designee shall be considered as time spent in the practice of medicine within
4 the State. A Board-ordered suspension of practice shall not be considered as a period of non-practice.
5 Periods of temporary or permanent residence or practice outside California will not apply to the reduction
6 of the probationary term. Periods of temporary or permanent residence or practice outside California will
7 relieve respondent of the responsibility to comply with the probationary terms and conditions with the
8 exception of this condition and the following terms and conditions of probation: Obey All Laws; Probation
9 Unit Compliance; and Cost Recovery.

10 Respondent's license shall be automatically canceled if respondent's periods of temporary
11 or permanent residence or practice outside California total two years. However, respondent's license shall
12 not be canceled as long as respondent is residing and practicing medicine in another state of the United
13 States and is on active probation with the medical licensing authority of that state, in which case the two
14 year period shall begin on the date probation is completed or terminated in that state.

15 15. FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT

16 In the event respondent resides in the State of California and for any reason respondent
17 stops practicing medicine in California, respondent shall notify the Division or its designee in writing within
18 30 calendar days prior to the dates of non-practice and return to practice. Any period of non-practice
19 within California, as defined in this condition, will not apply to the reduction of the probationary term and
20 does not relieve respondent of the responsibility to comply with the terms and conditions of probation.
21 Non-practice is defined as any period of time exceeding 30 calendar days in which respondent is not
22 engaging in any activities defined in sections 2051 and 2052 of the Business and Professions Code

23 All time spent in an intensive training program which has been approved by the Division
24 or its designee shall be considered time spent in the practice of medicine. For purposes of this condition,
25 non-practice due to a Board-ordered suspension or in compliance with any other condition of probation,
26 shall not be considered a period of non-practice.

27 Respondent's license shall be automatically canceled if respondent resides in California and
28 for a total of two years, fails to engage in California in any of the activities described in Business and

1 Professions Code sections 2051 and 2052.

2 16. COMPLETION OF PROBATION Respondent shall comply with all financial
3 obligations (e.g., cost recovery, restitution, probation costs) not later than 120 calendar days prior to the
4 completion of probation. Upon successful completion of probation, respondent's certificate shall be fully
5 restored.

6 17. VIOLATION OF PROBATION Failure to fully comply with any term or
7 condition of probation is a violation of probation. If respondent violates probation in any respect, the
8 Division, after giving respondent notice and the opportunity to be heard, may revoke probation and carry
9 out the disciplinary order that was stayed. If an Accusation, Petition to Revoke Probation, or an Interim
10 Suspension Order is filed against respondent during probation, the Division shall have continuing jurisdiction
11 until the matter is final, and the period of probation shall be extended until the matter is final.

12 18. COST RECOVERY Respondent shall continue to comply with Term 15.,
13 Additional Cost Recovery, of the Stipulated Settlement and Disciplinary Order in Case No. D1-1997-
14 77146 and the payment plan set forth therein. In addition, respondent is ordered to reimburse the Division
15 for the costs of investigation and prosecution of the instant case in the amount of \$4500.00. Such
16 reimbursement shall be made as follows: respondent shall pay \$100.00 per month commencing within 30
17 calendar days from the effective date of the Decision and thereafter on a monthly basis until the Division
18 has been reimbursed for the total \$4500.00 for its investigative and prosecution costs for the instant case.
19 The failure to make a monthly payment shall constitute a violation of probation. The failure to reimburse
20 the Division for the total \$4500.00 prior to the last year of the probation period shall constitute a violation
21 of probation. The filing of bankruptcy or period of non-practice by respondent shall not relieve the
22 respondent of his obligation to reimburse the Division for its costs.

23 19. LICENSE SURRENDER Following the effective date of this Decision, if
24 respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms
25 and conditions of probation, respondent may request the voluntary surrender of respondent's license. The
26 Division reserves the right to evaluate respondent's request and to exercise its discretion whether or not to
27 grant the request, or to take any other action deemed appropriate and reasonable under the circumstances.
28 Upon formal acceptance of the surrender, respondent shall within 15 calendar days deliver respondent's


1 wallet and wall certificate to the Division or its designee and respondent shall no longer practice medicine.
2 Respondent will no longer be subject to the terms and conditions of probation and the surrender of
3 respondent's license shall be deemed disciplinary action. If respondent re-applies for a medical license,
4 the application shall be treated as a petition for reinstatement of a revoked certificate.

5 20. PROBATION MONITORING COSTS Respondent shall continue to comply
6 with Term 14., Extension of Probation, of the Stipulated Settlement and Disciplinary Order in Case No.
7 D1-1997-77146 and, by extension, Term 14., Probation Costs, of the Stipulated Settlement and
8 Disciplinary Order in Case No. 09-97-77146, except as superceded by this agreement with respect to the
9 current costs associated with probation monitoring. With respect to the instant case, respondent shall pay
10 the costs associated with probation monitoring each and every year of probation, as designated by the
11 Division, which are currently set at \$2874.00, but may be adjusted on an annual basis. Such costs shall
12 be payable to the Medical Board of California and delivered to the Division or its designee no later than
13 January 31 of each calendar year. Failure to pay probation monitoring costs within 30 calendar days of
14 the due date shall be a violation of probation.

15
16
17 ACCEPTANCE

18 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
19 discussed it with my attorney, Theodore A. Cohen. I understand the stipulation and the effect it will have
20 on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order
21 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Division
22 of Medical Quality, Medical Board of California.

23 DATED: 05-04-04

24
25 

26 _____
NOLAN C. JONES, M.D.
Respondent

27
28 I have read and fully discussed with Respondent Nolan C. Jones, M.D. the terms and

1 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I
2 approve its form and content.

3 DATED: 4/26/04

4
5 

6 THEODORE A. COHEN
7 Attorney for Respondent

8 ENDORSEMENT

9 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted
10 for consideration by the Division of Medical Quality, Medical Board of California of the Department of
11 Consumer Affairs.

12 DATED: 5/7/04

13 BILL LOCKYER, Attorney General
14 of the State of California

15 

16 E. A. JONES III
17 Deputy Attorney General

18 Attorneys for Complainant

19 DOJ Docket/Matter ID Number: 03573160-LA03 1311
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Exhibit A

Accusation and Petition to Revoke Probation No. D2-1997-77146

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO December 3, 2003
BY Arleen B. [Signature] ANALYST

1 BILL LOCKYER, Attorney General
of the State of California
2 PAUL C. AMENT, State Bar No. 60427
Deputy Attorney General
3 For E. A. JONES III
Deputy Attorney General
4 California Department of Justice
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2543
6 Facsimile: (213) 897-1071

7 Attorneys for Complainant

8 **BEFORE THE**
9 **DIVISION OF MEDICAL QUALITY**
10 **MEDICAL BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation and Petition to
Revoke Probation Against:

Case No. D2-1997-77146

12 NOLAN C. JONES, M.D.
13 6726 Alvern Street
14 Los Angeles, CA 90056

**ACCUSATION AND PETITION TO
REVOKE PROBATION**

15 Physician and Surgeon Certificate No. A-30400

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

- 19 1. Ron Joseph (Complainant) brings this Accusation solely in his official
20 capacity as the Executive Director of the Medical Board of California, Department of Consumer
21 Affairs.
- 22 2. On or about August 27, 1976, the Medical Board of California issued
23 Physician and Surgeon Certificate Number A-30400 to Nolan C. Jones, M.D. (Respondent). The
24 Physician and Surgeon Certificate was in full force and effect at all times relevant to the charges
25 brought herein and will expire on October 31, 2004, unless renewed.
- 26 3. In a disciplinary action entitled *In the Matter Accusation Against Nolan C.*
27 *Jones, M.D.*, Case Number 09-1997-77146, the Division of Medical Quality Board of California,
28 issued a decision effective August 2, 1999, in which Respondents Physician and Surgeon's

Certificate was revoked. However, the revocation was stayed and Respondent was placed on probation for a period of four (4) years with certain terms and conditions. A copy of that decision is attached hereto as Exhibit A and incorporated by reference.

4. In a disciplinary action entitled *In the Matter of the Petition to Revoke Probation Against Nolan C. Jones, M.D.*, Case Number D1-1997-77146, the Division of Medical Quality, Medical Board of California, issued a decision effective June 21, 2002, in which Respondent's Physician and Surgeon's Certificate was revoked. However, the revocation was stayed and Respondent was continued on probation, the probation previously imposed being extended for a period of three (3) years beyond its prior expiration date. All terms and conditions of probation in Case Number 09-1997-77146 were continued in force and effect during the three-year extension of probation.

JURISDICTION

5. This Accusation is brought before the Division of Medical Quality (Division) for the Medical Board of California, Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

6. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Division deems proper.

7. Section 2234 of the Code states:

"The Division of Medical Quality shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter [Chapter 5, the Medical Practice Act].

1 "(b) Gross negligence.

2 "(c) Repeated negligent acts. To be repeated, there must be two or
3 more negligent acts or omissions. An initial negligent act or omission followed
4 by a separate and distinct departure from the applicable standard of care shall
5 constitute repeated negligent acts.

6 "(1) An initial negligent diagnosis followed by an act or omission
7 medically appropriate for that negligent diagnosis of the patient shall constitute a
8 single negligent act.

9 "(2) When the standard of care requires a change in the diagnosis,
10 act, or omission that constitutes the negligent act described in paragraph (1),
11 including, but not limited to, a reevaluation of the diagnosis or a change in
12 treatment, and the licensee's conduct departs from the applicable standard of care,
13 each departure constitutes a separate and distinct breach of the standard of care.

14 "(d) Incompetence.

15 "(e) The commission of any act involving dishonesty or corruption
16 which is substantially related to the qualifications, functions, or duties of a
17 physician and surgeon.

18 "(f) Any action or conduct which would have warranted the denial of a
19 certificate."

20 8. Section 4170 of the Code provides in pertinent part:

21 "(a) No prescriber shall dispense drugs or dangerous devices to
22 patients in his or her office or place of practice unless all of the following
23 conditions are met:

24 ...

25 (4) The prescriber fulfills all of the labeling requirements imposed
26 upon pharmacists by Section 4076, all of the recordkeeping requirements of this
27 chapter, and all of the packaging requirements of good pharmaceutical practice,
28 including the use of child-proof containers."

1 9. Section 4076 of the Code provides in pertinent part:

2 "(a) A pharmacist shall not dispense any prescription except in a
3 container that meets the requirements of state and federal law and is correctly
4 labeled with all of the following:

5 (1) Except where the prescriber or the certified nurse-midwife who
6 functions pursuant to a standardized procedure or protocol described in Section
7 2746.51, the nurse practitioner who functions pursuant to a standardized
8 procedure described in Section 2836.1, or protocol, or the physician assistant who
9 functions pursuant to Section 3502.1 orders otherwise, either the manufacturer's
10 trade name of the drug or the generic name and the name of the manufacturer.
11 Commonly used abbreviations may be used. Preparations containing two or more
12 active ingredients may be identified by the manufacturer's trade name or the
13 commonly used name or the principal active ingredients.

14 (2) The directions for use of the drug.

15 (3) The name of the patient or patients.

16 (4) The name of the prescriber and, if applicable, the certified
17 nurse-midwife who functions pursuant to a standardized procedure or protocol
18 described in Section 2746.51, the nurse practitioner who functions pursuant to a
19 standardized procedure described in Section 2836.1, or protocol, or the physician
20 assistant who functions pursuant to Section 3502.1.

21 (5) The date of issue.

22 (6) The name and address of the pharmacy, and prescription
23 number or other means of identifying the prescription.

24 (7) The strength of the drug or drugs dispensed.

25 (8) The quantity of the drug or drugs dispensed.

26 (9) The expiration date of the effectiveness of the drug dispensed.

27 (10) The condition for which the drug was prescribed if requested
28 by the patient and the condition is indicated on the prescription. . . ."

1
2 10. Section 2238 of the Code states:

3 "A violation of any federal statute or federal regulation or any of the
4 statutes or regulations of this state regulating dangerous drugs or controlled substances
5 constitutes unprofessional conduct."

6 11. Section 651 of the Code states:

7 "(a) It is unlawful for any person licensed under this division or
8 under any initiative act referred to in this division to disseminate or cause to be
9 disseminated any form of public communication containing a false, fraudulent,
10 misleading, or deceptive statement, claim, or image for the purpose of or likely to
11 induce, directly or indirectly, the rendering of professional services or furnishing
12 of products in connection with the professional practice or business for which he
13 or she is licensed. A 'public communication' as used in this section includes, but
14 is not limited to, communication by means of mail, television, radio, motion
15 picture, newspaper, book, list or directory of healing arts practitioners, Internet, or
16 other electronic communication.

17 "(b) A false, fraudulent, misleading, or deceptive statement, claim,
18 or image includes a statement or claim that does any of the following:

19 "(1) Contains a misrepresentation of fact.

20 "...

21 "(e) Any person so licensed may not use any professional card,
22 professional announcement card, office sign, letterhead, telephone directory
23 listing, medical list, medical directory listing, or a similar professional notice or
24 device if it includes a statement or claim that is false, fraudulent, misleading, or
25 deceptive within the meaning of subdivision (b).

26 "...

27 "(j) The Attorney General shall commence legal proceedings in the
28 appropriate forum to enjoin advertisements disseminated or about to be

1 disseminated in violation of this section and seek other appropriate relief to
2 enforce this section. Notwithstanding any other provision of law, the costs of
3 enforcing this section to the respective licensing boards or committees may be
4 awarded against any licensee found to be in violation of any provision of this
5 section. This shall not diminish the power of district attorneys, county counsels,
6 or city attorneys pursuant to existing law to seek appropriate relief. . . ."

7 12. Section 14124.12 of the Welfare and Institutions Code states, in pertinent
8 part:

9 "(a) Upon receipt of written notice from the Medical Board of California,
10 the Osteopathic Medical Board of California, or the Board of Dental Examiners of
11 California, that a licensee's license has been placed on probation as a result of a
12 disciplinary action, the department may not reimburse any Medi-Cal claim for the type of
13 surgical service or invasive procedure that gave rise to the probation, including any dental
14 surgery or invasive procedure, that was performed by the licensee on or after the effective
15 date of probation and until the termination of all probationary terms and conditions or
16 until the probationary period has ended, whichever occurs first. This section shall apply
17 except in any case in which the relevant licensing board determines that compelling
18 circumstances warrant the continued reimbursement during the probationary period of
19 any Medi-Cal claim, including any claim for dental services, as so described. In such a
20 case, the department shall continue to reimburse the licensee for all procedures, except for
21 those invasive or surgical procedures for which the licensee was placed on probation."

22 13. Section 125.3 of the Code provides, in pertinent part, that the Division
23 may request the administrative law judge to direct a licensee found to have committed a
24 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
25 investigation and enforcement of the case.

1 FIRST CAUSE FOR DISCIPLINE

2 (Gross Negligence--Patient Nandy S.)

3 14. Respondent is subject to disciplinary action under Section 2234,
4 subdivision (b), of the Code in that he was grossly negligent in his care and treatment of Patient
5 Nandy S.¹ The circumstances are as follows.

6 15. On October 25, 2002, Respondent performed an outpatient elective
7 abortion on 16-year-old Nandy S. at the Butterfly Medical Clinic located at 6305 Rita Avenue in
8 Huntington Park, California. Respondent was the sole owner of the Butterfly Medical Clinic.
9 Before performing the abortion, Respondent did not obtain a complete blood count.

10 16. The standard of care requires that a complete blood count be obtained
11 before the performance of an elective abortion, in order to have a basis of comparison in case of
12 excessive bleeding or in case the patient becomes hemodynamically unstable.

13 17. About 45 minutes after the performance of the abortion, Nandy S.
14 experienced difficulty breathing due to an asthma attack. CPR was performed, and a "911"
15 emergency telephone call was placed from the clinic. Emergency personnel transported Nandy S.
16 to St. Francis Medical Center. She was later transferred to Kaiser Foundation Hospital (Kaiser
17 Permanente) in Bellflower. Nandy S. was discharged from Kaiser the following day, October 26,
18 2002.

19 18. At the time Respondent performed the abortion on Nandy S., an oxygen
20 supply for administration to patients was not available at the Butterfly Medical Clinic.

21 19. Respondent's care and treatment of Nandy S. constituted an extreme
22 departure from the standard of care in each of the following respects: (a) Respondent performed
23 an elective abortion on Nandy S. without having first obtained a complete blood count. (b)
24 Respondent performed an elective abortion on Nandy S. at the Butterfly Medical Clinic without
25 having an oxygen tank available for the administration of oxygen at the clinic.

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1. The full names of the patients to whom reference is made herein will be disclosed to
Respondent upon an appropriate request for discovery.

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1 26. The words printed on the business cards on display at the Clinica Latina
2 Feminina constituted a claim that Respondent was a Diplomate of the American Board of
3 Obstetrics + Gynecology. That claim was false, in that Respondent was in fact not a Diplomate
4 of the American Board of Obstetrics + Gynecology.

5
6 FOURTH CAUSE FOR DISCIPLINE

7 (Gross Negligence--Patient Therese W.)

8 27. Respondent is subject to disciplinary action under Section 2234,
9 subdivision (b), of the Code in that he was grossly negligent in his care and treatment of Patient
10 Therese W. The circumstances are as follows.

11 28. On September 15, 2002, Respondent performed an elective abortion on
12 Therese W. Respondent did not obtain a complete blood count before performing the abortion.
13 The standard of care requires that a complete blood count be obtained before the performance of
14 an elective abortion, so that there is a basis of comparison in case of excessive bleeding or in case
15 the patient becomes hemodynamically unstable. Respondent's performance of an elective
16 abortion on Therese W. without having previously obtained a complete blood count constituted
17 an extreme departure from the Standard of Care.

18
19 FIFTH CAUSE FOR DISCIPLINE

20 (Gross Negligence--Patient Mary N.)

21 29. Respondent is subject to disciplinary action under Section 2234,
22 subdivision (b), of the Code in that he was grossly negligent in his care and treatment of Patient
23 Mary N. The circumstances are as follows.

24 30. On March 28, 2003, Respondent performed an elective abortion on Mary
25 N. at the "La Rose Medical Group" Clinic, also known as the Butterfly Medical Clinic," located
26 at 5300 Santa Monica Boulevard, Suite 402, in Los Angeles. Respondent was the sole owner of
27 the "La Rose Medical Group" Clinic, also known as the "Butterfly Medical Clinic." Respondent
28 did not obtain a complete blood count before performing the abortion on Mary N.

1 31. The standard of care is to obtain a complete blood count before performing
2 an elective abortion, in order to obtain a basis of comparison in case of excessive bleeding or in
3 case the patient becomes hemodynamically unstable. Additionally, it is good practice to be
4 aware of the patient's white blood count before performing an abortion.

5 32. On April 4, 2003, Mary N. was admitted to Cedars-Sinai Medical Center
6 with complaints of cough and shortness of breath. Upon admission, her white blood count was
7 16,000, which level usually means that the patient has an infection. Upon admission to Cedars-
8 Sinai, Mary N's hemoglobin was 9, which indicates that Mary N. was anemic. Because
9 Respondent failed to obtain a complete blood count before performing the abortion on March 29,
10 2003, it was not possible to evaluate the blood loss from the abortion.

11 33. Respondent's care and treatment of Mary N. constituted an extreme
12 departure from the Standard of Care in that Respondent performed an elective abortion on Mary
13 N. without having previously obtained a complete blood count.

14
15 SIXTH CAUSE FOR DISCIPLINE

16 (Dispensing an Improperly-Labeled Dangerous Drug)

17 34. Respondent is subject to disciplinary action under Section 2238 of the
18 Code in that, on or about March 27, 2003, he violated statutes of this state regarding dangerous
19 drugs, by dispensing tetracycline to Mary N. in a container that was not properly labeled pursuant
20 to Sections 4076, subdivision (a), and 4170, subdivision (a)(4), of the Code. The circumstances
21 are as follows.

22 35. On or about March 27, 2003, Respondent dispensed to Mary N.
23 approximately eight capsules of tetracycline. The tetracycline capsules were packaged in a paper
24 envelope.

25 36. The tetracycline that Respondent dispensed to Mary N. was labeled in a
26 manner that violated Sections 4076, subdivision (a), and 4170, subdivision (a)(4), of the Code in
27 that the container set forth neither the name of the patient nor the name of prescriber.

28 37. Tetracycline is a dangerous drug within the meaning of Section 2238 of

1 the Code.

2
3 CAUSE FOR REVOCATION OF PROBATION

4 (Failure to Obey All Laws)

5 38. At all times after the effective date of Respondent's probation Probation
6 Condition 6 stated: "Respondent shall obey all federal, state and local laws, all rules governing
7 the practice of medicine in California, and remain in full compliance with any court-ordered
8 criminal probation, payments and other orders."

9 39. Respondent's probation is subject to revocation because Respondent
10 failed to comply with Probation Condition 6. The circumstances are as follows.

11 40. The allegations in paragraphs 14 to 37 above are re-alleged at this point.

12 41. Each and every Cause for Discipline alleged herein constitutes a violation
13 of Probation Condition 6.

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EXHIBIT A

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition)
to Revoke Probation Against:)

NOLAN C. JONES, M.D.)

File No: D1-1997-77146

Physician's and Surgeon's)
Certificate # A-30400)

Respondent.)
_____)

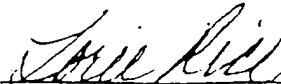
DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision and Order by the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs.

This Decision shall become effective at 5:00 p.m. on June 21, 2002.

DATED May 22, 2002

DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA



Lorie Rice, Chair
Panel A
Division of Medical Quality

1 BILL LOCKYER, Attorney General
of the State of California
2 JOHN E. RITTMAYER, State Bar No. 67291
Deputy Attorney General
3 California Department of Justice
300 South Spring Street, Suite 1702
4 Los Angeles, California 90013
Telephone: (213) 897-2555
5 Facsimile: (213) 897-1071
6 Attorneys for Complainant
7

8 **BEFORE THE**
9 **DIVISION OF MEDICAL QUALITY**
10 **MEDICAL BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke Probation
12 Against:

13 NOLAN C. JONES, M.D.
6726 Alvern Street
14 Los Angeles, California 90056

15 Physician and Surgeon's Certificate No. A 30400

16 Respondent.
17

Case No. D1-1997-77146

OAH No. L-2000110152

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18 In the interest of a prompt and speedy settlement of this matter, consistent with
19 the public interest and the responsibility of the Division of Medical Quality, Medical Board of
20 California of the Department of Consumer Affairs ("Division"), the parties hereby agree to the
21 following Stipulated Settlement and Disciplinary Order which will be submitted to the Division
22 for its approval and adoption as the final disposition of the Petition to Revoke Probation.

23 **PARTIES**

24 1. Complainant Ron Joseph is the Executive Director of the Medical Board
25 of California. He brought this action solely in his official capacity and is represented in this
26 matter by Bill Lockyer, Attorney General of the State of California, by Paul C. Ament, Deputy
27 Attorney General.

28 2. Respondent Nolan C. Jones, M.D. ("Respondent") is represented in this

1 proceeding by attorney Peter Morris, whose address is Altman & Morris, 1880 Century Park
2 East, Suite 613, Los Angeles, California 90067.

3 3. On or about August 27, 1976, the Medical Board of California issued
4 Physician and Surgeon's Certificate Number A 30400 to Nolan C. Jones, M.D. ("Respondent").
5 The Physician and Surgeon's Certificate was on probationary status at all times relevant to the
6 charges brought in the Petition to Revoke Probation No. D1-1997-77146, and will expire on
7 October 31, 2002, unless renewed.

8 JURISDICTION

9 4. Petition to Revoke Probation No. D1-1997-77146, was filed before the
10 Division of Medical Quality, Medical Board of California of the Department of Consumer
11 Affairs ("Division"), and is currently pending against Respondent. The Petition to Revoke
12 Probation, together with all other statutorily required documents, was duly served on Respondent
13 on May 30, 2000, and Respondent timely filed his Notice of Defense contesting the Petition to
14 Revoke Probation. A copy of Petition to Revoke Probation No. D1-1997-77146 (including
15 Exhibit 1 thereto [Decision and Stipulation in Settlement in Case No.09-97-77146]) is attached
16 hereto as Exhibit A and incorporated herein by reference.

17 ADVISEMENT AND WAIVERS

18 5. Respondent has carefully read and discussed with his counsel the nature of
19 the charges and allegations in the Petition to Revoke Probation and the effects of this Stipulated
20 Settlement and Disciplinary Order.

21 6. Respondent is fully aware of his legal rights in this matter, including the
22 right to a hearing on the charges and allegations in the Petition to Revoke Probation, the right to
23 be represented by counsel, at his own expense, the right to confront and cross-examine the
24 witnesses against him, the right to present evidence and to testify on his own behalf, the right to
25 the issuance of subpoenas to compel the attendance of witnesses and the production of
26 documents, the right to reconsideration and court review of an adverse decision, and all other
27 rights accorded by the California Administrative Procedure Act and other applicable laws.

28 7. Respondent voluntarily, knowingly and intelligently waives and gives up

1 each and every right set forth above.

2 CULPABILITY

3 8. Respondent understands that the charges and allegations in the Petition to
4 Revoke Probation, if proven at a hearing, constitute cause for imposing discipline upon his
5 Physician and Surgeon's Certificate.

6 9. For the purpose of resolving Petition to Revoke Probation No. D1-1997-
7 77146 without the expense and uncertainty of further proceedings, Respondent agrees that, at a
8 hearing, Complainant could establish a prima facie showing in support of the charges in the
9 Petition to Revoke Probation, and that Respondent hereby gives up his right to contest those
10 charges.

11 10. Respondent agrees that his Physician and Surgeon's Certificate is subject
12 to discipline and he agrees to be bound by the Division's imposition of discipline as set forth in
13 the Order below.

14 CONTINGENCY

15 11. This stipulation shall be subject to the approval of the Division.
16 Respondent understands and agrees that Medical Board of California's staff and counsel for
17 Complainant may communicate directly with the Division regarding this stipulation and
18 settlement, without notice to or participation by Respondent or his counsel. If the Division fails
19 to adopt this stipulation as its Order, except for this paragraph the Stipulated Settlement and
20 Disciplinary Order shall be of no force or effect; it shall be inadmissible in any legal action
21 between the parties; and the Division shall not be disqualified from further action by having
22 considered this matter.

23 12. The parties agree that facsimile copies of this Stipulated Settlement and
24 Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as
25 the original Stipulated Settlement and Disciplinary Order and signatures.

26 13. In consideration of the foregoing admissions and stipulations, the parties
27 agree that the Division shall, without further notice or formal proceeding, issue and enter the
28 following Disciplinary Order:

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DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician and Surgeon's Certificate No. A 30400 issued to Respondent Nolan C. Jones, M.D. is revoked. However, the revocation is stayed and Respondent is continued on probation on the following terms and conditions.

14. EXTENSION OF PROBATION Respondent's probation in Case No. 09-1997-77146 is extended for a period of three (3) years beyond the date in which it would expire but for this Stipulated Settlement and Disciplinary Order. All terms and conditions of probation in Case No. 1997-77146 shall continue in force and effect during this three-year extension of probation.

15. ADDITIONAL COST RECOVERY In addition to the Cost Recovery previously ordered in Case No. 09-1997-77146, Respondent is hereby ordered to reimburse the Division the amount of two thousand nine hundred dollars (\$2,900.00) for costs of prosecution. This Additional Cost Recovery shall be paid as follows: within thirty (30) days of the effective date of this decision Respondent shall pay to the Division one hundred dollars (\$100.00). Thereafter, during each of the succeeding 28 calendar months Respondent shall make a payment of one hundred dollars (\$100.00) to the Division. Failure to reimburse the Division's costs of prosecution shall constitute a violation of the probation order. The filing of bankruptcy by Respondent shall not relieve Respondent of his responsibility to reimburse the Division for its prosecution costs.


16. ETHICS COURSE Within 60 days of the effective date of the Decision adopting this Order, Respondent shall enroll in a course in Ethics approved in advance by the Division or its designee, and shall successfully complete the course during the first year of probation. Respondent shall receive credit toward this item for the successful and timely completion of the Ethics requirement in paragraph 5 of the Disciplinary Order in case 09-1997-77146 effective August 2, 1999.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and

1 have fully discussed the terms and conditions and other matters contained therein with my
2 attorney Peter Morris. I understand the effect this stipulation will have on my Physician and
3 Surgeon's Certificate. I enter into this Stipulated Settlement voluntarily, knowingly and
4 intelligently and agree to be bound by the Disciplinary Order and Decision of the Division of
5 Medical Quality, Medical Board of California. I further agree that a facsimile copy of this
6 Stipulated Settlement and Disciplinary Order, including facsimile copies of signatures, may be
7 used with the same force and effect as the originals.

8 DATED: April 29, 2002



NOLAN C. JONES, M.D.
Respondent

13 I have read and fully discussed with Respondent Nolan C. Jones, M.D. the terms
14 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
15 Order. I approve its form and content.

16 DATED: April 29, 2002



PETER MORRIS
Attorney for Respondent

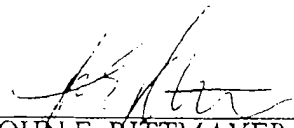
ENDORSEMENT

22 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
23 submitted for consideration by the Division of Medical Quality, Medical Board of California of
24
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1 the Department of Consumer Affairs.

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3 DATED: 5-4-2002

4 BILL LOCKYER, Attorney General
5 of the State of California

6
7 
8 JOHN E. RITTMAYER
9 Deputy Attorney General

Attorneys for Complainant

10 DOJ Docket Number: 03573160-LA2000AD0732
11 Stipulation 11/9/00

EXHIBIT A

1 BILL LOCKYER, Attorney General
of the State of California
2 PAUL C. AMENT, State Bar No. 60427
Deputy Attorney General
3 California Department of Justice
300 South Spring Street, Suite 1702
4 Los Angeles, California 90013
Telephone: (213) 897-2555
5 Facsimile: (213) 897-1071

6 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO May 30 20 00
BY Vanilla B. Thomas

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**BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke Probation
Against:

12 NOLAN C. JONES, M.D.
13 6726 Alvern Street
14 Los Angeles, California 90056

15 Physician and Surgeon's Certificate No. A 30400

16 Respondent

Case No. D1-1997-77146

**PETITION TO REVOKE
PROBATION**

17
18 Complainant alleges:

19 **PARTIES**

20 1. Ron Joseph ("Complainant") brings this Petition to Revoke Probation
21 solely in his official capacity as the Executive Director of the Medical Board of California,
22 Department of Consumer Affairs.

23 2. On or about August 27, 1976, the Medical Board of California issued
24 Physician and Surgeon's Certificate Number A 30400 to Nolan C. Jones, M.D. ("Respondent").
25 The Physician and Surgeon's Certificate was on probationary status at all times relevant to the
26 charges brought herein and will expire on October 31, 2000, unless renewed.

27 3. On November 13, 1998, an accusation in the case entitled In the Matter of
28 the Accusation Against Nolan C. Jones, M.D., case number 09-97-77146, was filed against

1 respondent alleging that, contrary to the advice of respondent's hospital-appointed proctor,
2 respondent had performed a dilation and curettage (D & C) on a 44-year-old patient suffering
3 from persistent vaginal bleeding without doing a pap smear pre-operatively. This count was
4 alleged to have constituted gross negligence in violation of Section 2234(b) of the Code. The
5 accusation further alleged that respondent had committed repeated negligent acts in violation of
6 Section 2234(c) of the Code in his performance of the D & C without doing a pap smear, against
7 the advice of respondent's proctor (the incident mentioned earlier in this paragraph); and in his
8 care of four women admitted in October and November 1996 to the San Bernardino Community
9 Hospital to have their babies delivered by respondent.

10 4. On July 1, 1999, the Board issued its decision in the case entitled In the
11 Matter of the Accusation Against Nolan C. Jones, M.D., case number 09-1997-77146. The
12 decision was based on a Stipulation in Settlement and Decision, which was signed by
13 respondent, respondent's attorney, and the attorney for the Board. The stipulation revoked
14 respondent's physician and surgeon's license. Respondent was placed on probation with terms
15 and conditions for a period of four years. The decision of the Board became effective at 5:00
16 p.m. on August 2, 1999. A copy of this decision is attached hereto and incorporated by
17 reference, and marked Exhibit 1.

18 JURISDICTION

19 5. This Accusation is brought before the Division of Medical Quality,
20 Medical Board of California ("Division"), under the authority of the following sections of the
21 Business and Professions Code ("Code"), the Health and Safety Code, and the Medicare Carrier
22 Manual of the Department of Health and Human Services, Health Care Finance Administration.

23 6. Section 2227 of the Code provides that a licensee who is found guilty
24 under the Medical Practice Act may have license revoked, suspended for a period not to exceed
25 one year, placed on probation and required to pay the costs of probation monitoring, or such
26 other action taken in relation to discipline as the Division deems proper.

27 7. Section 107110 of the Health and Safety Code provides as follows:
28 It shall be unlawful for any licentiate of the healing arts to administer or use diagnostic,

1 mammographic, or therapeutic X-ray on human beings in this state after January 1, 1972, unless
2 that person is certified pursuant to subdivision (e) of Section 114870 or Section 114885, and is
3 acting within the scope of that certification.

4 8. Section 114870 of the Health and Safety Code provides in pertinent part:
5 "The department shall . . . (e) Provide upon recommendation of the committee, for certification
6 of licentiates of the healing arts to supervise the operation of X-ray machines or to operate X-ray
7 machines, or both, prescribe minimum standards of training and experience for these licentiates
8 of the healing arts, and prescribe procedures for examining applicants for certification. This
9 certification may limit the use of X-rays to certain X-ray procedures and the application of X-
10 rays to specific areas of the human body."

11 9. Section 114885 of the Health and Safety Code provides as follows:
12 "The department shall, upon individual application, grant special permits to persons, excepting
13 those persons from specific provisions of this chapter or of the regulations issued thereunder, if
14 the department finds to its satisfaction that there is substantial evidence that the people in the
15 locality of this state, in which the exemption is sought, would be denied adequate medical care
16 because of unavailability of certified or certifiable radiologic, technologists. Those special
17 permits shall be granted for limited periods of time to be prescribed by the department in
18 accordance with the purposes of this chapter, and the permits may be renewed.

19 10. Section 2050 of the Medicare Carriers Manual, issued by the
20 Department of Health and Human Services, Health Care Finance Administration, provides that
21 to be covered incident to the services of a physician, services and supplies must be, inter alia,
22 furnished "under the physician's personal supervision."

23 11. Section 2050.1 of the Medicare Carriers Manual provides that "[c]overag
24 of services and supplies incident to the professional services of a physicians private practice is
25 limited to situations in which there is direct personal physician supervision . . ."

26 12. Section 125.3 of the Code states, in pertinent part, that the Board may
27 request the administrative law judge to direct a licentiate found to have committed a violation c
28

1 violations of the licensing act to pay a sum not to exceed the reasonable costs of the
2 investigation.

3 CAUSES OF REVOCATION
4 OF PROBATION

5 PROBATION CONDITION 1

6 (Monitoring)

7 12. Condition 3 of respondents probation provides: "Within 15 days of the
8 effective date of this decision, respondent shall submit to the Division for its prior approval a
9 plan of practice in which respondent's practice shall be monitored by another physician in
10 respondent's field of practice, who shall provide periodic reports to the Division.

11 "If the monitor resigns or is no longer available, respondent shall, within
12 15 days, move to have a new monitor appointed, through nomination by respondent and approval
13 by the Division."

14 13. Respondents' probation is subject to revocation because he failed to
15 comply with probation condition 3 as referenced in paragraph 12 above. The facts and
16 circumstances of this violation are as follows:

17 No reports from the monitor were received by the Division for the period
18 ending August 31, 1999, and December 31, 1999.

19 PROBATION CONDITION 6

20 (Obey All Laws)

21 14. At all times since the effective date of respondent's probation, condition 6
22 has read: "Respondent shall obey all federal, state and local laws, all rules governing the practice
23 of medicine in California, and remain in full compliance with any court ordered criminal
24 probation, payments and other orders."

25 15. Respondent's probation is subject to revocation in that he has failed to
26 comply with all laws.

27 A. Respondent violated Health and Safety Code Section 107110 by failing to
28 have a properly certified supervisor for the operation of the on-site X-ray machine. Respondent

1 was cited by the Los Angeles County Department of Health Services in a Notice of Violation
2 dated January 24, 2000.

3 B. Respondent violated Sections 2050 and 2050.1 of the Medicare
4 Carriers Manual issued by the Department of Health and Human Services, Health Care Finance
5 Administration, which calls for the supervision of aides who provide billable services. While
6 respondent was on suspension, services administered to the following people on the following
7 dates were billed under his provider number: to Sandra Udebu on August 11, 1999; to Patrick
8 Wuthrich on August 17, 1999; to Chalmers Campbell on August 4, 1999; and to Houston
9 Chambers on August 9, 1999.

10 **PROBATION CONDITION 7**

11 **(Quarterly Reports)**

12 16. At all times since the effective date of respondent's probation, condition
13 has read as follows: "Respondent shall submit quarterly declarations under penalty of perjury
14 forms provided by the Division, stating whether there has been compliance with all the
15 conditions of probation."

16 17. Respondent's probation is subject to revocation in that he has failed to
17 comply with probation condition 7 as referenced in paragraph 16 above. The facts and
18 circumstances regarding its violation are as follows:

19 In quarterly reports dated September 4, 1999 and December 4, 1999
20 respondent answered "no" to the question: "In this quarter, were you required to be supervised?
21 In fact, respondent was required to be supervised/monitored. In the intake interview conducted
22 on August 2, 1999, it was explained to respondent that the words "supervised" and "monitored"
23 were synonymous.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herei
3 alleged, and that following the hearing, the Medical Board of California issue a decision:


4 1. Revoking or suspending Physician and Surgeon's Certificate Number A
5 30400, issued to Nolan C. Jones, M.D.;

6 2. Revoking, suspending or denying approval of Nolan C. Jones, M.D.'s
7 authority to supervise physician's assistants, pursuant to section 3527 of the Code;

8 3. Ordering Nolan C. Jones, M.D. to pay the Medical Board of California th
9 reasonable costs of the investigation and enforcement of this case, and, if placed on probation,
10 the costs of probation monitoring;

11 4. Taking such other and further action as the Medical Board of California
12 deems necessary and proper.

13 DATED: May 30, 2000

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16 
17 RON JOSEPH
18 Executive Director
19 Medical Board of California
20 Department of Consumer Affairs
21 State of California
22 Complainant

20 03573160-LA00AD0732

21 2Accusation.wpt 4/1/00

22 rj 5/5/00

EXHIBIT "1"

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

NOLAN C. JONES, M.D.
Certificate No. A-30400

No: 09-1997-77146

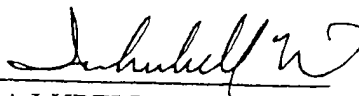
Respondent

DECISION

The attached Stipulation in Settlement and Decision is hereby adopted by the Division of Medical Quality as its Decision in the above-entitled matter.

This Decision shall become effective at 5:00 p.m. on August 2, 1999.

IT IS SO ORDERED July 1, 1999.

By: 
IRA LUBELL, M.D.
President
Division of Medical Quality

1 BILL LOCKYER, Attorney General
of the State of California
2 SHERRY L. LEDAKIS,
Deputy Attorney General, State Bar No. 131767
3 Department of Justice
110 West A Street, Suite 1100
4 Post Office Box 85266
San Diego, California 92186-5266
5 Telephone: (619) 645-2078
6 Attorneys for Complainant

7
8 BEFORE THE
9 DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
10 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Accusation) NO. 09-97-77146
12 Against:)
13)
14 NOLAN C. JONES, M.D.)
5855 Centinela Avenue, #146)
Los Angeles, CA 90045)
15)
16 Physician's and Surgeon's)
License No. A 30400)
17)
Physician Assistant Supervisor)
License No. SA 16317)
18)
Respondent.)
19)

20 IT IS HEREBY STIPULATED AND AGREED by and between the
21 parties to the above-entitled proceedings that the following
22 matters are true:

23 1. An Accusation in Case No. 09-97-77146 was filed by
24 the Medical Board of California ("Board") on November 13, 1998,
25 and is currently pending against Nolan C. Jones, M.D.
26 ("respondent").
27 / / /

1 2. The Accusation, together with all statutorily
2 required documents, was duly served on the respondent on or about
3 November 16, 1998, and respondent filed his Notice of Defense
4 contesting the Accusation on or about November 19, 1998. A
5 copy of Accusation No. 09-97-77146 is attached as Attachment "A"
6 and incorporated by reference as if fully set forth.

7 3. Complainant, Ron Joseph, is the Executive Director
8 of the Medical Board of California and brought this action solely
9 in his official capacity. The Complainant is represented by the
10 Attorney General of California, Bill Locker, by and through
11 Deputy Attorney General Sherry L. Ledakis. Respondent is
12 represented by Lawrence W. Scott, M.D., J.D., 8383 Wilshire Blvd.
13 Ste. 830, Beverly Hills, CA 90211.

14 4. At all times relevant herein respondent has been
15 licensed by the Board under Physician's and Surgeon's License No.
16 A 30400.

17 5. Respondent and his attorney have fully read and
18 discussed the charges contained in Accusation No. 09-97-77146.
19 Respondent has been fully advised regarding his legal rights and
20 the effects of this Stipulated Settlement and Disciplinary Order.

21 6. Respondent understands the nature of the charges
22 alleged in the Accusation and that, if proven at hearing, the
23 charges and allegations constitute cause for imposing discipline
24 upon his license to practice medicine. Respondent is fully aware
25 of his right to a hearing on the charges and allegations
26 contained in the Accusation, his right to confront and cross-
27 examine witnesses against him, his right to the use of subpoenas

1 to compel the attendance of witnesses and the production of
2 documents in both defense and mitigation of the charges, his
3 right to reconsideration, appeal and all other rights accorded
4 pursuant to the California Administrative Procedure Act and other
5 applicable laws.

6 7. Respondent knowingly, voluntarily and irrevocably
7 waives and gives up each of these rights.

8 8. Respondent agrees not to contest any allegation
9 contained in Accusation No. 09-97-77146, and agrees that
10 respondent has thereby subjected his Physician and Surgeon's
11 License to disciplinary action. Respondent agrees to be bound by
12 the Division's Disciplinary Order as set forth below. Respondent
13 further agrees that if he seeks modification or termination of
14 his probation, all of the allegations and charges in the
15 accusation will be deemed admitted.

16 9. The stipulations made by respondent herein are for
17 the purpose of this proceeding and any other proceedings in which
18 the Medical Board of California, or other professional licensing
19 agency is involved, and shall not be admissible in any other
20 criminal or civil proceedings.

21 10. The parties agree that the Stipulation recited
22 herein shall be null and void and not binding upon the parties
23 unless approved by the Division, except for this paragraph, which
24 shall remain in effect. The respondent understands and agrees
25 that in deciding whether or not to adopt this Stipulation the
26 Board may receive oral and written communications from its staff
27 and the Attorney General's office. Communications pursuant to

1 this paragraph shall not disqualify the Division or other persons
2 from future participation in this or any other matter affecting
3 respondent. In the event the Board in its discretion does not
4 approve this settlement, the settlement, with the exception of
5 this paragraph, is withdrawn and shall be of no evidentiary value
6 and shall not be relied upon or introduced in any disciplinary
7 action by either party hereto. Respondent agrees that should the
8 Division reject this Stipulation and if this case proceeds to
9 hearing, respondent will assert no claim that the Board was
10 prejudiced by its review and discussion of this Stipulation or of
11 any records related hereto.

12 11. The parties agree that facsimile copies of this
13 Stipulation, including facsimile signatures of the parties, may
14 be used in lieu of original documents and signatures. The
15 facsimile copies will have the same force and effect as
16 originals.

17 12. In consideration of the foregoing, the parties
18 agree that the Division may, without further notice of formal
19 proceeding, issue and enter an Order as follows:

20 **ORDER**

21 IT IS HEREBY ORDERED that Physician's and Surgeon's
22 License number A 30400 issued to Nolan C. Jones, M.D. is revoked.
23 However, the revocation is stayed and respondent is placed on
24 probation for four years on the following terms and conditions:

25 1. ACTUAL SUSPENSION. As part of probation, respondent
26 is suspended from the practice of medicine until such time as
27 respondent successfully completes the PACE Program at the

1 University of California at San Diego School of Medicine in the
2 areas of obstetrics and gynecology, with special emphasis being
3 placed on the treatment of high risk pregnancies and fetal
4 monitor strip interpretation. Following completion of the
5 training program, respondent shall be required to pass an
6 examination administered by the PACE program in these areas.

7 2. CLINICAL TRAINING Respondent shall successfully
8 complete a clinical training program in the areas of obstetrics
9 and gynecology, with special emphasis being placed on the
10 treatment of high risk pregnancies and fetal monitor strip
11 interpretation. The program shall be conducted by the PACE
12 Program at the University of California at San Diego. There
13 shall be an oral and/or written examination at completion of the
14 program. Respondent shall pay all costs associated with the
15 clinical education and training program.

16 3. MONITORING Within 15 days of the effective date
17 of this decision, respondent shall submit to the Division for its
18 prior approval a plan of practice in which respondent's practice
19 shall be monitored by another physician in respondent's field of
20 practice, who shall provide periodic reports to the Division.

21 If the monitor resigns or is no longer available,
22 respondent shall, within 15 days, move to have a new monitor
23 appointed, through nomination by respondent and approval by the
24 Division.

25 4. EDUCATION COURSE Within 90 days of the effective
26 date of this decision, and on an annual basis thereafter,
27 respondent shall submit to the Division for its prior approval an

1 educational program or course to be designated by the Division,
2 which shall not be less than 40 hours per year, for each year of
3 probation. This program shall be in addition to the Continuing
4 Medical Education requirements for re-licensure. Following the
5 completion of each course, the Division or its designee may
6 administer an examination to test respondent's knowledge of the
7 course. Respondent shall provide proof of attendance for 65
8 hours of continuing medical education of which 40 hours were in
9 satisfaction of this condition and were approved in advance by
10 the Division.

11 5. ETHICS Within 60 days of the effective date of
12 this decision, respondent shall submit to the Division for its
13 prior approval a course in Ethics, which respondent shall
14 successfully complete during the first year of probation.

15 6. OBEY ALL LAWS Respondent shall obey all federal,
16 state and local laws, all rules governing the practice of
17 medicine in California, and remain in full compliance with any
18 court ordered criminal probation, payments and other orders.

19 7. QUARTERLY REPORTS Respondent shall submit
20 quarterly declarations under penalty of perjury on forms provided
21 by the Division, stating whether there has been compliance with
22 all the conditions of probation.

23 8. PROBATION SURVEILLANCE PROGRAM COMPLIANCE Respondent
24 shall comply with the Division's probation surveillance program.
25 Respondent shall, at all times, keep the Division informed of his
26 business and residence addresses which shall both serve as
27 addresses of record. Changes of such addresses shall be

1 immediately communicated in writing to the Division. Under no
2 circumstances shall a post office box serve as an address of
3 record.

4 Respondent shall also immediately inform the Division,
5 in writing, of any travel to any areas outside the jurisdiction
6 of California which lasts, or is contemplated to last, more than
7 thirty (30) days.

8 9. INTERVIEW WITH THE DIVISION, ITS DESIGNEE OR ITS DESIGNATED
9 PHYSICIAN(S)

10 Respondent shall appear in person for interviews with
11 the Division, its designee or its designated physician(s) upon
12 request at various intervals and with reasonable notice.

13 10. TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR IN-STATE NON-
14 PRACTICE

15 In the event respondent should leave California to
16 reside or to practice outside the State or for any reason should
17 respondent stop practicing medicine in California, respondent
18 shall notify the Division or its designee in writing within ten
19 (10) days of the dates of departure and return or the dates of
20 non-practice within California. Non-practice is defined as any
21 period of time exceeding thirty (30) days in which respondent is
22 not engaging in any activities defined in Sections 2051 and 2052
23 of the Business and Professions Code. All time spent in an
24 intensive training program approved by the Division or its
25 designee shall be considered as time spent in the practice of
26 medicine. Periods of temporary or permanent residence or
27 practice outside California or of non-practice within California,

1 as defined in this condition, will not apply to the reduction of
2 the probationary period.

3 11. COMPLETION OF PROBATION Upon successful completion
4 of probation, respondent's certificate shall be fully restored.

5 12. VIOLATION OF PROBATION If respondent violates
6 probation in any respect, the Division, after giving respondent
7 notice and the opportunity to be heard, may revoke probation and
8 carry out the disciplinary order that was stayed. If an
9 accusation or petition to revoke probation is filed against
10 respondent during probation, the Division shall have continuing
11 jurisdiction until the matter is final, and the period of
12 probation shall be extended until the matter is final.

13 13. COST RECOVERY The respondent is hereby ordered to
14 reimburse the Division the amount of \$6,000.00 within ninety (90)
15 days of the effective date of this decision for its investigative
16 and prosecution costs. Failure to reimburse the Division's costs
17 of investigation and prosecution shall constitute a violation of
18 the probation order, unless the Division agrees in writing to
19 payment by an installment plan because of financial hardship.
20 The filing of bankruptcy by the respondent shall not relieve the
21 respondent of his responsibility to reimburse the Division for
22 its investigative and prosecution costs.

23 14. PROBATION COSTS Respondent shall pay the costs
24 associated with probation monitoring each and every year of
25 probation, which are currently set at \$2304.00 but may be
26 adjusted on an annual basis. Such costs shall be payable to the
27 Division of Medical Quality and delivered to the designated

1 probation surveillance monitor at the beginning of each calendar
2 year. Failure to pay costs within 30 days of the due date shall
3 constitute a violation of probation.


4 15. LICENSE SURRENDER Following the effective date of
5 this decision, if respondent ceases practicing due to retirement,
6 health reasons or is otherwise unable to satisfy the terms and
7 conditions of probation, respondent may voluntarily tender his
8 certificate to the Board. The Division reserves the right to
9 evaluate the respondent's request and to exercise its discretion
10 whether to grant the request, or to take any other action deemed
11 appropriate and reasonable under the circumstances. Upon formal
12 acceptance of the tendered license, respondent will no longer be
13 subject to the terms and conditions of probation.

14 16. The within Stipulation shall be subject to the
15 approval of the Division. If the Division fails to adopt this
16 Stipulation as its Order, the Stipulation shall be of no force or
17 effect for either party.

18 **ACKNOWLEDGMENT BY RESPONDENT**

19 I have carefully read and fully understand the
20 Stipulation and Order set forth above. I have discussed the
21 terms and conditions set forth in the Stipulation and Order with
22 my attorney, Lawrence C. Scott, M.D., J.D. I understand that in
23 signing this Stipulation I am waiving my right to a hearing on
24 the charges set forth in the Accusation on file in this matter.
25 I further understand that in signing this Stipulation the
26 Division may enter the foregoing order placing certain
27 requirements, restrictions and limitations on my right to

1 practice medicine in the State of California. I agree that a
2 facsimile copy of this Stipulation, including a facsimile copy of
3 my signature may be used with the same force and effect as the
4 originals.


5 
6 Nolan C. Jones, M.D.
7 Respondent

8 **CONCURRENCE**

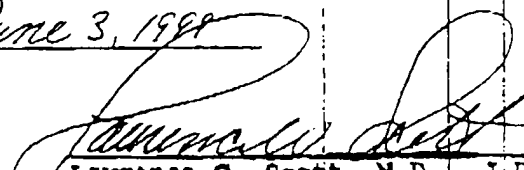
9 We concur in the Stipulation and Order.

10 DATED: 6-3-99

11 BILL LOCKYER, Attorney General
12 of the State of California

13 
14 Sherry M. Ledakis
15 Deputy Attorney General
16 Attorneys for Complainant

17 DATED: June 3, 1999

18 
19 Lawrence C. Scott, M.D., J.D.
20
21
22
23
24
25
26
27

ATTACHMENT "A"

DANIEL E. LUNGREN, Attorney General
of the State of California
SHERRY L. LEDAKIS,
Deputy Attorney General, State Bar No. 131767
Department of Justice
110 West A Street, Suite 1100
Post Office Box 85266
San Diego, CA 92186-5266
Telephone: (619) 645-2078

Attorneys for Complainant

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)	Case No. 09-97-77146
Against:)	
)	
NOLAN C. JONES, M.D.)	A C C U S A T I O N
5855 Centinela Avenue, # 146)	
Los Angeles, CA 90045)	
)	
Physician's and Surgeon's)	
Certificate No. A 30400,)	
)	
Physician's Assistant Supervisor)	
License No. SA 16317)	
)	
Respondent.)	

Complainant Ron Joseph, as cause for disciplinary
action alleges as follows:

PARTIES

1. Complainant, Ron Joseph, is the Executive Director
of the Medical Board of California (hereinafter the "Board") and
brings this Accusation solely in his official capacity.

2. On or about August 27, 1976, Physician's and
Surgeon's Certificate No. A 30400 was issued by the Board to
Nolan C. Jones, M.D. (hereinafter "respondent"), and at all times

1 relevant to the charges brought herein, this license has been in
2 full force and effect. Unless renewed, it will expire on October
3 31, 2000.

4 3. On or about February 22, 1988, Physician's
5 Assistant Supervisor License No. SA 16317 was issued by the Board
6 to respondent, and at all times relevant to the charges brought
7 herein, this license has been in full force and effect. Unless
8 renewed, it will expire on May 31, 2000.

9 JURISDICTION

10 4. This Accusation is brought before the Division of
11 Medical Quality of the Board (hereinafter the "Division"), under
12 the authority of the following sections of the California
13 Business and Professions Code (hereinafter "Code"):

14 A. Code section 2227 provides, in part, that the
15 Board may revoke, suspend for a period not to exceed one
16 year, or place on probation and order the payment of
17 probation monitoring costs, the license of any licensee who
18 has been found guilty under the Medical Practice Act.

19 B. Code section 2234 provides, in part, that
20 unprofessional conduct includes, but is not limited to, the
21 following:

22 "."

23 (b) Gross negligence.

24 (c) Repeated negligent acts.

25 "."

26 C. Code section 125.3 provides, in part, that
27 the Board may request the administrative law judge to direct

1 any licentiate found to have committed a violation or
2 violations of the licensing act, to pay the Board a sum not
3 to exceed the reasonable costs of the investigation and
4 enforcement of the case.

5 5. Section 16.01 of the Budget Act of the State of
6 California provides, in pertinent part, that: (a) no funds
7 appropriated by this act may be expended to pay any Medi-Cal
8 claim for any service performed by a physician while that
9 physician's license is under suspension or revocation due to a
10 disciplinary action of the Medical Board of California; and, (b)
11 no funds appropriated by this act may be expended to pay any
12 Medi-Cal claim for any surgical service or other invasive
13 procedure performed on any Medi-Cal beneficiary by a physician if
14 that physician has been placed on probation due to a disciplinary
15 action of the Medical Board of California related to the
16 performance of that specific service or procedure on any patient,
17 except in any case where the board makes a determination during
18 its disciplinary process that there exist compelling
19 circumstances that warrant continued Medi-Cal reimbursement
20 during the probationary period.

21 FIRST CAUSE FOR DISCIPLINE

22 (Gross Negligence)

23 6. Respondent Nolan C. Jones, M.D., is subject to
24 disciplinary action on account of the following:

25 Patient Heide F.

26 A. On or about December 4, 1996, 44-year-old
27 Heide F. was admitted to San Bernardino Community Hospital

1 to have an elective dilatation and curettage (D&C) because
2 of persistent vaginal bleeding. She had not had a pap smear
3 in one and one-half years. At the time, respondent was
4 under the supervision and direction of a proctor appointed
5 to oversee his practice at San Bernardino Community
6 Hospital.

7 B. Respondent's proctor advised respondent not
8 to go forward with the D&C without doing a pap smear pre-
9 operatively, but respondent performed the surgery
10 nonetheless.

11 7. Respondent Nolan C. Jones, M.D., is subject to
12 disciplinary action for unprofessional conduct in that he was
13 grossly negligent in his care and treatment of Heide F., in
14 violation of Code section 2234(b), in that:

15 A. Paragraph 6 above is hereby realleged and
16 incorporated by reference as if fully set forth at this
17 point.

18 B. Respondent performed a D&C on patient Heide
19 F. against the orders of his hospital-appointed proctor.

20 C. Respondent failed to perform a pap smear
21 as instructed by the proctor.

22 / / /

23 / / /

24 / / /

25 / / /

26 / / /

27 / / /

1 SECOND CAUSE FOR DISCIPLINE

2 (Repeated Negligent Acts)

3 8. Respondent Nolan C. Jones, M.D., is further
4 subject to disciplinary action on account of the following:

5 Patient Heide F.

6 A. Paragraph 6 is hereby realleged and
7 incorporated by this reference as if fully set forth at this
8 point.

9 Patient Ana T.

10 B. On or about November 13, 1996, at 12:30 p.m.,
11 29-year-old Ana T. was admitted to San Bernardino Community
12 Hospital to have her baby delivered by respondent. She was
13 37 weeks pregnant and complained of not having felt any
14 fetal movement for two days. Respondent was paged, and
15 called in shortly thereafter. He was told that Ana T. had
16 an abnormal physical profile (4/8) and poor variability on
17 the fetal heart monitor. Respondent told the nurses that he
18 would come to the hospital to evaluate the fetal heart
19 monitor record and would bring the patient's prenatal record
20 with him.

21 C. Despite more pages and calls to respondent, he
22 did not appear at the patient's side until 2:25 p.m. He
23 delivered the baby via cesarean section (C-section) at 3:10
24 p.m.

25 Patient Blanca C.

26 D. Blanca C., then 33 years old, 40 weeks
27 pregnant (with two previous children delivered by C-section)

1 was admitted to San Bernardino Community Hospital on October
2 3, 1996, at 8:15 a.m. to have her baby delivered by
3 respondent. Her cervix was dilated 3 cm. and her baby was
4 at a high vertex station. By 3:00 p.m., she had
5 progressed to dilatation of 6-7 cm. Respondent was
6 paged, and came to rupture her membranes.

7 E. Immediately after the rupture, the fetal heart
8 monitor showed a fetal heart rate deceleration which lasted
9 about two minutes. By 3:12 p.m., there were recurrent
10 decelerations with each contraction. Respondent left the
11 hospital without evaluating the situation after he ruptured
12 the membranes.

13 F. Respondent was informed by telephone of the
14 decelerations at 3:45 p.m. and at 4:00 p.m. He discussed
15 performing a C-section, an epidural anesthetic was ordered,
16 and other preparations were made for surgery. Respondent
17 did not arrive at the hospital until 6:10 p.m., by which
18 time the fetal heart rate decelerations were severe and
19 deep. He told Blanca C. that he needed to perform a C-
20 section ASAP and obtained consent.

21 G. Respondent delivered the baby by C-section at
22 6:54 p.m., noting a complete rupture of the uterus during
23 surgery. Both the baby and placenta were found in the
24 abdominal cavity. The baby ultimately expired.

25 Patient Maria M.

26 H. On or about October 17, 1996, Maria M. was
27 admitted to San Bernardino Community Hospital to have her

1 baby delivered by respondent. She was 24 years old, was 38
2 weeks pregnant, and complained of no fetal movements for the
3 two days preceding her admission. Her blood pressure on
4 admission was 154/100, and a repeat measurement was 127/70.
5 There was a fetal heart rate, but it was abnormal with no
6 accelerations. No urine sample was obtained to check for
7 protein in the urine. Respondent did an ultrasound which
8 showed fetal movement and a heart rate, then discharged
9 Maria M. to return to her home.

10 I. During a prenatal visit to respondent before
11 her first admission on October 17, 1996, Maria M. had an
12 elevated blood pressure and protein in her urine.

13 J. Upon being told to do so by another physician,
14 respondent re-admitted Maria M. to the hospital on October
15 24, 1996. When re-admitted, Maria M. had severe pre-
16 eclampsia with a blood pressure of 173/119 and 4+
17 proteinuria, or protein in her urine.

18 Patient Angelica R.

19 K. On or about November 28, 1996, Angelica R. was
20 admitted to San Bernardino Community Hospital to have her
21 baby delivered by respondent. She was in labor, and her
22 baby was in the breech position (double footling breech with
23 one foot outside the vagina); she was admitted for delivery
24 by C-section.

25 L. At about 2:09 p.m. on November 28, 1996, a
26 call was placed to respondent; he returned the call at 2:15
27 p.m., received a report on the patient's condition, and gave

1 orders. At 2:25 p.m., respondent called again to say he was
2 30 to 40 minutes away. He was told that the baby now had
3 both feet out of the vagina, and a call was made to another
4 physician (Dr. C.). Dr. C. arrived at 2:50 p.m., and
5 delivered the baby via C-section at about 3:36 p.m.
6 Respondent apparently arrived at about 3:30 p.m. and
7 also participated in the C-section.

8 M. Respondent had no back-up arrangement in place
9 to cover for him although he was more than an hour away
10 while on call.

11 9. Respondent Nolan C. Jones, M.D., is subject to
12 disciplinary action for unprofessional conduct in that he
13 committed repeated negligent acts in his care and treatment of
14 patients Ana T., Blanca C., Maria M., Heide F., and Angelica R.,
15 in violation of Code section 2234(c), in that:

16 A. Paragraph 6 and 8 above are hereby realleged
17 and incorporated by reference as if fully set forth at this
18 point.

19 Patient Heide F.

20 B. Respondent performed a D&C on patient Heide F.
21 against the orders of his hospital-appointed proctor.

22 C. Respondent failed to perform a pap smear
23 as instructed by the proctor prior to performing the
24 D&C.

25 Patient Ana T.

26 D. Respondent delayed unreasonably in coming to
27 the hospital to see this patient who had evidence of fetal

1 distress. Respondent may have agreed to come to the
2 hospital only after being urged to do so by the nurses and
3 after another physician intervened.

4 Patient Blanca C.

5 E. Respondent improperly left the hospital after
6 rupturing Blanca C.'s membranes despite the fact that there
7 was a fetal heart rate deceleration immediately after he
8 ruptured the membranes, and recurrent decelerations were
9 observed about ten minutes later.

10 F. Respondent failed to return to the hospital at
11 about 4:00 p.m. on October 3, 1996, when called and informed
12 of the patient's recurrent decelerations.

13 G. Despite knowing of the fetal heart rate
14 decelerations, respondent failed to come to the hospital or
15 even contact nursing staff in the Labor and Delivery
16 Department about Blanca C.'s condition and that of her child
17 until after he arrived there after 6:00 p.m. on October 3,
18 1996.

19 H. Respondent unreasonably delayed starting the
20 C-section for more than 30 minutes after his arrival at the
21 hospital. Given the information provided to respondent by
22 the fetal heart rate monitor (repeated severe deep
23 decelerations evidencing a fetus in dire distress),
24 respondent should have performed a "crash" C-section without
25 delay.

26 / / /

27 / / /

1 Patient Maria M.

2 I. Respondent improperly discharged Maria M. from
3 the hospital on October 17, 1996, without performing a non-
4 stress test or a biophysical profile, and without
5 further evaluating her elevated blood pressure and possible
6 proteinuria.

7 Patient Angelica R.

8 J. Respondent failed to provide appropriate
9 formal back-up coverage when he was on call and was more
10 than one hour away from the hospital.

11 THIRD CAUSE FOR DISCIPLINE

12 (Incompetence)

13 10. Respondent Nolan C. Jones, M.D., is subject to
14 disciplinary action for unprofessional conduct in that he was
15 incompetent in his care and treatment of patient Blanca C., Maria
16 M. and Angelica R. in violation of Code section 2234(d), in that:

17 A. Subparagraphs D through J, inclusive, of
18 paragraph 8 above are hereby realleged and incorporated by
19 reference as if fully set forth at this point..

20 Blanca C.

21 B. Respondent unreasonably delayed starting the
22 C-section for more than 30 minutes after his arrival at the
23 hospital on October 3, 1996. Given the information provided
24 to respondent by the fetal heart rate monitor (repeated
25 severe deep decelerations evidencing a fetus in dire
26 distress), respondent should have performed a "crash" C-
27 section without delay. He failed to appreciate and/or

1 communicate to the staff the severity of the situation
2 demonstrated by the fetal heart rate at that point.

3 Maria M.

4 C. Respondent improperly discharged Maria M.
5 from the hospital on October 17, 1996, without
6 performing a non-stress test or a biophysical profile,
7 and without further evaluating her elevated blood
8 pressure and possible proteinuria.

9 Patient Angelica R.

10 D. Respondent failed to provide appropriate
11 formal back-up coverage when he was on call and was more
12 than one hour away from the hospital.

13 PRAYER

14 WHEREFORE, the complainant requests that a hearing be
15 held on the matters herein alleged, and that following the
16 hearing, the Board issue a decision:

17 1. Revoking or suspending Physician's and Surgeon's
18 Certificate No. A 30400, heretofore issued to respondent Nolan C.
19 Jones, M.D.;


20 2. Revoking, suspending or denying approval of the
21 respondent's authority to supervise physician's assistants,
22 pursuant to Business and Professions Code section 3527;

23 3. Ordering respondent to pay to the Board the actual
24 and reasonable costs of the investigation and enforcement of this
25 case;

26 4. If placed on probation, ordering respondent to pay
27 the costs of probation monitoring;

5. Taking such other and further action as the Board
deems necessary and proper.

DATED: November 13, 1998


Douglas LANE *Deputy Director*
Ron Joseph
Executive Director
Medical Board of California

Complainant

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